

Planning and Zoning Commission - Dec 20 2023 Minutes

Wednesday, December 20, 2023 at 7:00 PM

Council Chambers

The Orwigsburg Planning and Zoning Commission met on Wednesday, December 20, 2023 in Council Chambers. Chairman Darin Brensinger called the meeting to order at 7:00 pm and the Pledge of Allegiance was recited.

Attendance: Chairman Darin Brensinger; Vice Chairman Paul Bedway; Bill Knecht; Larry Dagna; Ben Hunter; Jonathan Kukta; Borough Manager Randy Miller; Borough Secretary Sarah Celani

Visitors: Planning Consultant Kevin Richards Alfred Benesch & Co; Jim McCarthy and Nick Perilli of McCarthy Engineering Associates, Inc.; David Humenansky, PLS of Colonial Surveying & Mapping; Brad Miller of Orwigsburg Fire Department

Absent: Tim Wilhelm

Agenda:

A motion to adopt the final meeting agenda was made by Bill Knecht, seconded by Ben Hunter. Unanimous. The motion was carried.

Minutes:

A draft copy of the minutes from the October 18, 2023 Planning and Zoning meeting was provided to the Commission for review and comment.

Ben Hunter motioned to adopt the final minutes from October 18, 2023; the motion was seconded by Darin Brensinger. Unanimous. Motion carried.

Public Comments:

None.

Business:

900 West Market Street Subdivision Plan Review

The application package, rudimentary plans, and Benesch/ARRO Review Letters were provided for review. Plans were reviewed and accepted in October. Resubmitted Subdivision

Plans today, but failed to meet the deadline for December's agenda. The Major Land Disturbance Plan is concurrently being reviewed. Today's submission will be modified for review at the January Planning Commission meeting.

Blue Mountain Village Land Development Plan

Resubmitted Land Development Plan mid-November. Plan originally submitted October 2020 and again December 2020. NPDES permits received. All Highway Occupancy Permits submitted. HOA/Condo Agreement will be designed.

The Application, complete plan, SCPC Review Letter, Alfred Benesch and ARRO Consulting Review Letters, Fire Chief Memo, and HOP items were provided to the Commission for review and comment.

The Commission discussed concerns for a parking ratio in the settlement agreement and to see that overflow parking spaces are accounted for. Plan comments pending from Solicitor, PennDOT, and West Brunswick Township. Still awaiting input from West Brunswick Township regarding stormwater discharge. Randy will meet in January with Attorney Sterns, Solicitor Datte, and the engineers in regard to a water and sewer draft agreement prior to the next Planning and Zoning meeting. Randy suggests the topic is tabled until after the water and sewer meeting.

A motion to accept the plans for review was made by Paul Bedway; seconded by Bill Knecht. Unanimous. Motion Carried.

A motion to accept the address recommendations for Blue Mountain Boulevard contingent upon approval from EMS and USPS was suggested by Randy. No motion was made.

Kevin Richards of Alfred Benesch discussed the comments forwarded to the developer in the Benesch Review Letter.

Bill Knecht: Does the settlement agreement determine that the roads are private or public?

Larry Dagna: Has the fire department or emergency services personnel reviewed or given permissions/conditions to the plans?

The Fire Department has reviewed and provided comments. It has been outlined in the plan that a fire truck can make it through the development.

Other Comments: Sizable retaining walls. Proposing installation of split rail fence - Benesch recommends additional fencing.

SALDO Waivers:

1. Section 501.B.2(e) – Provide existing topography extending two hundred feet from the subject tract.

Bill Knecht motioned to recommend that Borough Council grant a waiver of SALDO section 501.B.2(e), 200-foot topography; seconded by Larry Dagna. The motion was passed unanimously on a voice vote.

2. Section 602.T.4 – Basins 2, 3, and 4 are six (6) feet or more in height therefore the requested design requirements for soil structure characteristics in this section must be provided.

Adequate soil testing shall be conducted pre-construction and sufficient specifications, observation requirements and testing requirements shall be outlined on the plan for the contractor to construct the basins in a sound manner. The SCD and PADEP review may also affect this design. Not Recommended. This has been addressed through the stormwater design and NPDES permitting process. This waiver request is withdrawn, pending applicant's acceptance of relevant comments.

3. Section 703.C.10.b – Provide clear sight triangles for intersections along Blue Mountain Boulevard.

A “private marginal access street” is not defined in the SALDO. Therefore, the definition provided in the Settlement Agreement would be used. The Settlement Agreement states in B(11) “The internal private road system shall be designed with: a maximum grade of 5 percent within 50 feet of an intersection with a public street; a maximum centerline grade of 10 percent along all other road segments; and a horizontal and vertical alignment that provides safe sight distance and visibility at a 25 MPH design speed.” Therefore, the engineer is responsible for providing documentation showing that safe sight distance and visibility is provided at a 25 MPH design speed. Waiver tabled.

4. Section 707.D – Pavement markings for vehicular circulation shall be shown such as stop bars, directional arrows, and double yellow lines.

Per 703.F “No plan showing new development shall be approved if any such plan shows private streets or right-of-way as the sole means of ingress or egress

to said development.” Claiming the development has “truly private streets” would be in direct conflict with 703.F and a waiver would be required for Section 703.F. Waiver tabled.

5. Section 707.G – Dumpster enclosures in some parking lots appear to block snow removal due to adjacent sidewalks slopes and retaining walls. Parking areas shall be oversized where required to accommodate snow storage while still providing the adequate amount of parking spaces per the zoning regulations.

Areas adequate for temporary snow storage have been depicted on the plan.

It will be the responsibility of the developer and eventually the Condominium Association to monitor and enforce. This waiver request is withdrawn.

6. Section 709.B – Minimum required sidewalk width is five (5') feet, a minimum width of four (4') feet is shown. Section 709.B states, “All sidewalks shall be constructed with a minimum width of five (5) feet”. Therefore, a waiver is still required to approve the 4' width sidewalks with the 5'X5' turning, and intersection areas.

Kevin of Alfred Benesch recommends the Commission could move to approve the waiver upon meeting ADA requirements. No motion was made.

7. Section 709.C – Reinforced steel mesh or alternate as described in this section is required.

Welded wire fabric has been added to the detail. This waiver request is withdrawn.

8. Section 711 – The fixture schedule simply says the luminaires are high pressure sodium, acorns manufactured by Cooper Lighting, and lamppost-mounted at thirteen (13') feet. No catalog info is given. The IES file used in the design is not provided. Without calculations, at least a summary table including average foot candles and uniformity for the roadways through the development, there is no way to verify this section is met.

Sight lighting was adjusted to meet Ordinance requirements but developers are not in agreement on lighting requirements. Waiver withdrawn.

9. Section 1001.B&C – The outlet of Basin 2 is not to a curbed street, storm drain, or natural water course. Show the flow path to the nearest natural water course and show that the roadside swale has adequate capacity to carry this flow to the natural water course. Show how this water will cross Breezy Acres Road and the adjacent property

owners. Similarly, for Basin 4, confirm this outlet is to a natural water course and this has adequate capacity and stability to carry this flow.

It is anticipated that a waiver will still be required to meet this section of the Ordinance. Pending West Brunswick Township Approval. Waiver tabled.

General Comment Waivers:

1. Section 3(a) of the signed settlement agreement states the developer shall submit a preliminary/final subdivision and land development plan.

Ben Hunter motioned to recommend that Borough Council grant a waiver of SALDO section 3(a) Preliminary / Final submittal. The motion was seconded by Bill Knecht. Unanimous. Motion carried.

Stormwater Management Ordinance Waivers:

1. Section 305.B.4 – Show topography five hundred (500') feet outside the subject tract including all buildings outside the tract.

Bill Knecht motioned to recommend that Borough Council grant a waiver of Storm Water Management section 305.B.4 500-foot topography; seconded by Ben Hunter. Unanimous. Motion carried.

2. Section 305.C.6 – Basins 2, 3, and 4 are six (6) feet or more in height therefore the requested design requirements for soil structure characteristics in this section must be provided by a PA Professional Engineer.

Waiver withdrawn - pending applicants acceptance of relevant comments.

3. Section 402.F – Show the flow path of Basin 2 to the nearest natural water course and show that the roadside swale has adequate capacity to carry this flow to the natural water course.

It is anticipated that a waiver will still be required to meet this section of the Ordinance. Pending West Brunswick Township Approval.

4. Section 404.E.4 – Include fencing around the proposed basin.

Split rail fencing has been provided around all basins. The intent for the fencing is to deter trespassers from entering the basin and insulate the developer or future HOA from potential liability. Benesch recommends mesh or backup material is required for split rail fences to act as a deterrent and not strictly decorative. No motion was made. The waiver was withdrawn.

5. Section 405.Q – Provide a capacity analysis for the 24” RCP crossing East Market Street, the location of Discharge Point 2.

A capacity analysis added to the submitted calculations and report.

Calculations were reviewed and the culvert appears to be adequate. Waiver withdrawn.

6. Section 407.H.4 – Provide an access route to Basin 4 due to the steep slopes surrounding the basin prohibiting easy vehicular access.

Basins and access must be maintained by the homeowners/condominium association. Lack of a more clearly defined maintenance access has potential to cause undue burden in the future on the HOA when maintenance is required. Waiver withdrawn.

Anticipated to start development in Spring 2024. Buildings will be installed after roads and utilities, starting at the lower elevation section. Bill Knecht referred to the Benesch Review Letter, Page 16 item E4. Ownership and maintenance program establishing HOA will be provided upon conditional approval. Benesch requests a letter *prior* to conditional approval. The Commission will give their recommendation to Council on the conditional approval in upcoming months.

Friendship Hose Fire Company No. 1

Acquired adjacent rental apartment unit. The application, Plan, Alfred Benesch and ARRO Review Letters were provided for review and comment. Kevin Richards highlighted some comments of the Benesch and ARRO Review Letters.

East side front of the Fire Department building is not a designated standard parking area. Six parking spaces in the rear of the building for use by existing apartment buildings. Easement documents must be established that require parking be reserved for the apartment building even if the Fire Company sells their building. The number of parking spaces available must meet requirements of two per apartment unit.

Plan may be accepted as a Preliminary or Preliminary/Final Plan. Must address zoning issues and potential easements, clarify water and sewer connections to existing parcels. Per SALDO requirements, all parking areas need to be paved if for commercial use. Must be a revision or waiver request. If the project is disturbing 1500 or more square feet, plan approval by the Conservation District is required - potential waiver request. ADA Parking must be addressed.

Given the scope of the proposed work and existing conditions at the project location, the project may qualify for a complete or partial waiver under Section 308 of the Stormwater Management and Earth Disturbance Ordinance.

A motion to accept the plan for review was made by Paul Bedway, seconded by Larry Dagna. Unanimous. Motion Carried.

Discussion:

Borough Council has declared the Borough Zoning Ordinance to be defective in regard to "Animal Husbandry"; as the Ordinance stands currently, Animal Husbandry is not allowed in any zoning district, implying it would be allowed in all districts. The Borough is pursuing a curative amendment to the Borough Zoning Ordinance.

Adjournment:

The next Planning and Zoning Meeting is scheduled for Wednesday, January 17, 2024 at 7:00 pm in Council Chambers.

A motion to adjourn the meeting at 9:06 pm was made by Bill Knecht and seconded by Darin Brensinger.

Respectfully Submitted,

Sarah L Celani
Borough Secretary