

Planning and Zoning Commission - April 17 2024 Minutes

Wednesday, April 17, 2024 at 7:00 PM

Council Chambers

The Orwigsburg Planning and Zoning Commission met on Wednesday, April 17, 2024 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; Tim Wilhelm; Ben Hunter; Borough Manager Randy Miller; Borough Secretary Sarah Celani; Solicitor Paul Datte

Absent: Jonathan Kukta; Larry Dagna

Visitors: Planning Consultant Kevin Richards of Alfred Benesch & Co; Jim McCarthy and Nick Perilli of McCarthy Engineering Associates, Inc.; Gretchen Sterns of Law Office of Gretchen Coles Sterns, LLC

Agenda:

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

Minutes:

A draft copy of the minutes from the March 20, 2024 Planning and Zoning meeting was provided to the Commission for review and comment.

Ben Hunter motioned to adopt the final minutes from March 20, 2024. The motion was seconded by Bill Knecht. Unanimous. Motion carried.

Public Comments:

None.

Old Business:

Orwigsburg CSG 1, LLC - Solar Farm Variance

The Zoning Hearing Board granted a variance on April 9, 2024 for the driveway location change. Randy Miller's letter of recommendation to the Zoning Hearing Board on behalf of the Planning and Zoning Commission was provided.

Friendship Hose Fire Company No. 1

An extension for the Orwigsburg Fire Department Land Development plan was granted until June 17, 2024. OFD is preparing a list of zoning variances for the project to present to the Zoning Hearing Board for the building setback and parking. Possible further extension is expected by Kevin Richards.

Discussion:

Blue Mountain Village Land Development Plan

McCarthy Engineering plan package was distributed for review along with the engineer response letters from ARRO, Entech, and Benesch. Highway Occupancy Permit approvals for Highway, Water and Sewer were provided.

Resubmitted plans to the Borough April 3rd, addressing the engineer comment letters.

Kevin Richards summarized the Benesch review letter comments that are still pending. The majority of pending comments and comments requiring further review are related to certifications, final signatures and HOA/Condominium agreements, development agreements, and financial security. Kevin highlighted the following outstanding comments:

- Coordination with DEP regarding sewage planning and water quality permit
- Pending environmental impact assessment report
- Geometry and clear sight triangles, double yellow striping and pavement marking concerns. Striping and pavement markings were added to the plans. Other concerns are being alleviated by making all intersections in the development all way stop conditions. The Borough will not take ownership of the roads within the development of Blue Mountain Village. Police jurisdiction will be distinguished as part of the HOA agreement. Gretchen Sterns commented that the condominium association is expected to handle enforcement within the development.
- Coordination with the Orwigsburg Fire Chief
- Basin discharge to Breezy Acres Road concerns were discussed. An off-site stormwater discharge analysis was submitted to the DEP and the Conservation District as part of NPDES permitting. Stormwater Ordinance discharge reduction requirements are met, but the flow does not meet a curbed street, storm drain or natural water course. Waivers are required.

- Comments and concerns in regard to fencing around basins. The split rail fence meets Ordinance requirements, although the Commission expressed concerns for lack of security. The Developer decided to forego the Borough's recommendation for different fencing. Should an event occur at this site relating to this issue, the Borough will not be held liable for any event relating to this health and safety concern.
- A stormwater ownership and maintenance agreement must be developed.
- Sidewalks changed to five feet, meeting the Borough Ordinance requirements. Impervious pavement sections were added to offset the increase. An addendum to the stormwater report was requested to show the calculation changes.

The Orwigsburg Council has granted waivers for Section 501.B.2(e), Section 305.B.4, Section 303 and Section 3(a) of the settlement agreement.

Paul Datte confirmed that the remaining waiver requests are regarding Section 402.F and Section 402.L of Stormwater Management Ordinance and Section 1001.B&C of SALDO, both in regard to the flow path of off-site discharge.

Darin Brensinger asked if there are any requirements of the HOA to maintain facilities, specifically the split rail fence. Paul Datte responded that the Borough will have an agreement with developers, HOA agreements and recommendations that pertain to maintenance of systems and properties.

Gretchen Sterns complied that chicken wire will be fixed on the outside of the split rail fence to alleviate safety concerns.

Paul Datte discussed that approval will be conditioned on the development and improvements agreements with respect to water, sewer, stormwater, roads and basic infrastructure, posting financial security at each of the four phases of development. Brief addendums to development agreements will be signed each phase, incorporating new cost estimates that are reviewed and approved. Stormwater management agreements/easements give the Borough rights to access the property. The stormwater facilities and off-site water and sewer facilities will be dedicated to the Borough. There will be an 18 month obligation to post security for maintenance to the off-site facilities.

Gretchen Sterns stated that the condominium association will consist of a master association and sub associations. The master association will be responsible for roads, signage, stormwater basins, and water/sewer facilities on site. Each condominium building and the

townhouses will have their own sub associations responsible for any costs unique to that specific condo or townhouse.

Paul Bedway questioned who is responsible for maintenance and its associated costs during early stages of development. Jim McCarthy responded that the developer is responsible for maintenance until the buildings are transferred to the homeowners' association.

Kevin Richards asked what time constraints the developer has to address the conditions set forth in the conditional approval. Paul Datte responded ninety days following the approval.

Ben Hunter questioned if land grading happens in phases or if the entire site is graded at one time. The developer responded that grading is completed in phases. Water discharge from phases 1, 2, and 3 will flow to the basin built in phase 1.

All Highway Occupancy Permits have been approved. Gretchen stated that the Developers have contacted Jamie Barton and concluded that Jamie contacted DEP to push for a permit confirmation letter in writing.

Darin Brensinger questioned if West Brunswick is in agreement with the plans. Kevin responded that there is no specific document stating West Brunswick is in agreement, only correspondence expressing general comments.

Before signing and recording the plan, Paul Datte will construct a resolution stating conditions and timing that must be satisfied for development.

Ben Hunter moved to recommend to Borough Council the approval of the waiver request for section 1001.B&C of SALDO and 402.F & 402.L of the Stormwater Ordinance. The motion was seconded by Paul Bedway. A roll call vote concluded the following:

1 vote no - Bill Knecht

4 votes yes - Darin Brensinger, Paul Bedway, Tim Wilhelm, and Ben Hunter

The motion was carried.

Tim Wilhelm motioned to recommend to Borough Council the Blue Mountain Village Preliminary/Final Land Development Approval conditioned on: all comments of the Benesch letter dated April 17, 2024 having been adequately addressed, with the concurrence of the Planner, and that all agreements having been reviewed by the Solicitor, and with the addition

of chicken wire fixed outside of the basin fence. The motion was seconded by Paul Bedway. A roll call vote concluded the following:

2 votes no - Bill Knecht and Darin Brensinger

3 votes yes - Paul Bedway, Tim Wilhelm, and Ben Hunter

The motion was carried.

Unfinished Business:

Sketch plans for a potential development expected.

Orwigsburg CSG1, LLC (solar farm) should be progressing Land Development Plans for review, approaching the deadline of May 2, 2024.

Adjournment:

The next Planning and Zoning Meeting is scheduled for Wednesday, May 15, 2024 at 7:00 pm in Council Chambers.

A motion to adjourn the meeting at 8:11 pm was made by Ben Hunter and seconded by Tim Wilhelm.

Respectfully Submitted,

Sarah L Celani
Borough Secretary