

Planning and Zoning Commission - Jan 17 2024 Minutes

Wednesday, January 17, 2024 at 7:00 PM

Council Chambers

The Orwigsburg Planning and Zoning Commission met on Wednesday, January 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; Larry Dagna; Ben Hunter; Jonathan Kukta; Borough Manager Randy Miller; Borough Secretary Sarah Celani

Visitors: Planning Consultant Kevin Richards of Alfred Benesch & Co; Charles J Yourshaw of Yourshaw Engineering, Inc.

Absent: Tim Wilhelm

Agenda:

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

Minutes:

A draft copy of the minutes from the December 20, 2023 Planning and Zoning meeting was provided to the Commission for review and comment.

Larry Dagna motioned to adopt the final minutes from December 20, 2023. The motion was seconded by Ben Hunter. Unanimous. Motion carried.

Public Comments:

None.

Business:

900 West Market Street Subdivision Plan Review

The application package, rudimentary plans, deed descriptions and Yourshaw replies to comment letters were provided. Subdivision plan received and accepted for 900 West Market Street in October 2023 proposing to split the land into three parcels (A, B, and C). On January

3, 2024, the plan was resubmitted. The plan was revised to include only parcels A and B and again revised today, January 17, 2024 to satisfy Benesch comment for modification to certification blocks. Comments detailed in Benesch and ARRO review letters regarding access, maintenance responsibilities and zoning concerns have been addressed. Subdivision and Stormwater plans have been adjusted to better coincide with one another. Unresolved comments include a revised deed description/closure report and maintenance responsibilities for Seton Drive. Charles Yourshaw presented a 1997 agreement regarding closure report to Kevin before the meeting; Kevin is to review the details of the agreement. The agreement must incorporate all lots, including parcel A. Agreement must include language that access is granted via Seton Drive in North and South direction.

Parcel A is not considered wetland. Parcel A “not for development” note ensures that future developments are not granted any type of approval from the current plan. The daycare and residents have access to the playground area - no liability is created by their utilization.

Larry Dagna motioned to withdraw the originally submitted plans and accept the new plans dated January 3, and modified on January 17, for review; seconded by Bill Knecht. Unanimous. The motion was carried.

Ben Hunter moved to recommend to Borough Council the approval of a waiver from SALDO section 303, submittal as a Preliminary/Final; seconded by Larry Dagna. The motion was carried unanimously.

Larry Dagna motioned to recommend to Borough Council the conditional approval of the Preliminary/Final plan for 900 West Market Street conditioned on all comments outlined in the Benesch, ARRO, and Schuylkill County Planning Commission letters having been properly satisfied; seconded by Ben Hunter. Unanimous. Motion carried.

Blue Mountain Village Land Development Plan

Council approved the recommendation for waiver requests and granted waiver requests to Blue Mountain Village. Waivers for Section 501.B.2(e), Section 305.B.4, Section 303 and Section 3(a) of the settlement agreement were granted. The applicant was made aware. West Brunswick Township letter, Entech review letter, and Benesch letters were distributed for review. The comment letters were forwarded to the developer; awaiting response.

Transportation impact studies approved in 2008 were provided. The Commission expressed concerns for the “outdated” study. West Brunswick concerns regarding access from Breezy

Acres Road onto East Market/Brick Hill Road - no left turn movement. Developer and PennDOT to discuss. If sight distance requirements are met, left turn restrictions may potentially be removed. The Borough did not move on sight distance and pavement marking waivers which have remained tabled.

Drainage easements suggested by West Brunswick Township; the Commission is in agreement although potential stormwater issues are between the Homeowners' Association and the property owners. The Ordinance states that discharge must be directed to a natural water course, or meet requirements for runoff to downstream properties. Catch basin on Breezy Acres side that discharges onto the road. NPDES permit has already been acquired.

Meeting to discuss water and sewer operations tomorrow January 18 between Randy Miller, Borough solicitor, developer's attorney, and water/sewer committee.

Friendship Hose Fire Company No. 1

The application, plan, Alfred Benesch and ARRO Review Letters were provided for review and comment at the January meeting and Kevin Richards highlighted some comments of the Benesch and ARRO Review Letters. No additional updates at this time.

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.

Randy requests that Kevin prepare a report that details the date(s) plans are received, submitted and dates actions are required by Council.

No update on Kramer's convenience store - DEP permit issues. Kevin has not made contact in over eight months.

The Zoning Hearing Board granted 725 West Market Street a variance for use, but not for parking and setbacks. Zoning application was resubmitted and denied.

Adjournment:

The next Planning and Zoning Meeting is scheduled for Wednesday, February 21, 2024 at 7:00 pm in Council Chambers.

A motion to adjourn the meeting at 8:23 pm was made by Bill Knecht and seconded by Jonathan Kukta.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Sarah Celani". The signature is written in a cursive, flowing style.

Sarah L Celani
Borough Secretary