

Planning and Zoning Commission - Feb 21 2024 Minutes

Wednesday, February 21, 2024 at 7:00 PM

Council Chambers

The Orwigsburg Planning and Zoning Commission met on Wednesday, February 21, 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; Tim Wilhelm; Jonathan Kukta; Borough Manager Randy Miller; Borough Secretary Sarah Celani

Absent: None

Visitors: Planning Consultant Kevin Richards of Alfred Benesch & Co; Borough Council President Rick Bubeck of Marshall Drive

Agenda:

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

Minutes:

A draft copy of the minutes from the January 17, 2024 Planning and Zoning meeting was provided to the Commission for review and comment.

Bill Knecht motioned to adopt the final minutes from January 17, 2024. The motion was seconded by Larry Dagna. Unanimous. Motion carried.

Public Comments:

None.

Business:

Blue Mountain Village Land Development Plan

The plan is to be acted upon by March 19, 2024.

Option 1: 90-day extension

Option 2: Developer resubmits a new plan

Option 3: Council denies plan at March 13 Meeting

Friendship Hose Fire Company No. 1

The plan is to be acted upon by March 19, 2024.

Option 1: 90-day extension

Option 2: Developer resubmits a new plan

Option 3: Council denies plan at March 13 Meeting

900 West Market Street Subdivision Plan

The Commission approved a preliminary/final waiver at the last meeting, with conditions of evaluation of the easement agreement and satisfaction of the engineer and county review letter comments. Kevin Richards has reviewed the easement agreement and determined all future subdividers/owners equally share maintenance responsibilities and rights to use the access. Borough Council approved the plan on February 14, 2024.

Discussion:

Blue Mountain Village

A meeting was held on January 18, 2024 with the Orwigsburg Borough's Water/Sewer committee, engineers and solicitor, as well as McCarthy Engineering, Gretchen Sterns and Ethan Rhodes of the Blue Mountain Village Project. The meeting was in reference to Sewer and Water connections for the Blue Mountain Village development.

The Borough will own the extension of the water and sewer mains that are installed from East Market to the project line at Blue Mountain Village. Per the Entech meeting minutes, the Borough did not want to own the pump and booster stations; McCarthy did not express an opinion.

A few houses on Kimmel's Road could potentially connect to the line. Paul asked about the gravity flow area. Randy explained that as soon as piping hits East Market Street, it will flow to the next (relief) manhole down, and immediately into a second manhole at atmospheric pressure.

Rick Bubeck of Marshall Drive recalled a discussion regarding future developments that connects sewage/utilities to the Blue Mountain Village system; Blue Mountain Village would have the right to recoup some of their costs in tapping fees.

Larry Dagna inquired about what possible benefits the Borough could derive from owning the pumping station and facilities in Blue Mountain Village vs. cutting it off at the property line. Randy stated that the Borough would receive relatively very little in the way of funds, maintenance difficulties and feasibility would be an issue. The Borough does not wish to service or maintain pumping stations at this time but could be forced by DEP to obtain ownership of the facilities if future development plans of the Condominium Association should fail. Mandatory connection will not be relevant, unless Borough extends a sewer line onto Kimmel's Church Road.

Entech minutes discuss that the owner of Madelines has been unresponsive on easement agreements with Blue Mountain Village.

Ben Hunter questioned if there is a mechanism we have to monitor the maintenance of their systems. Randy responded that they have DEP requirements and we may request reports for our records. Larry suggested a requirement or ordinance be established stating pumping stations connected to Borough sewer lines should owe the Borough oversight of maintenance and reports. Kevin explained there are numerous agreements between the condo association and Borough to come; sewer and water, stormwater, condo association rules and regulations review, etc. Entech minutes discuss tapping fees which would also lead to future agreements.

Larry questioned, "If the association is not functional, could appointed guardianship exist?" Randy responded that the question would need to be discussed with the solicitor.

Rick Bubeck noted that the residents of the association could be disgruntled by their utility fees as they live in the Borough but not pay the same rates as those who live outside of the homeowners' association.

Paul asked if the association could sustain solvency during Phase 1 of the condo construction. Income will be slow, having only a portion of apartments occupied to start while growth competition exists. Randy assured the project would be bonded and the Borough would seek remuneration through the bonding agency to finish the portions of the project if the project were to fail.

Darin Brensinger expressed that if the Borough must take ownership of the roads, the roads must be built to Borough standards. Kevin said construction standards would be to Borough standards and roadway design standards including sight distances, clear sight triangles,

curvature, alignments and geometry are still being discussed. Waivers were tabled in December.

Inspection is limited during construction. Randy discussed that specifications will be provided by the Borough and an inspection agency will be involved in construction at specific times throughout. Kevin added that full time inspection for this type of project is not common. Paul and Larry expressed concerns about proper inspection and stated that stricter inspection standards should be held.

The Entech minutes concluded a standalone developer and maintenance agreement should exist with the Orwigsburg Sewer Authority. Fine details and agreements discussed in the minutes are yet to be followed up on. Randy stated the developer is seeking funds to move forward with the project.

8c of Entech Minutes reads, "Once the water and sewer are operational and construction has commenced, the developer would be charged a minimum of 1 EDU for sewer and water for construction activities. This would be based on the flow meter. If metered flows exceeded 1 EDU, then actual usage would be billed."

Rick Bubeck questioned the need for bulk sewer metering if we are going to bill in EDUs (7a of Entech Minutes). Randy wants the meter as a reference. Rick stated someone will be responsible for calibration of the meter, possibly resulting in a disagreement.

Paul highlighted that our water and sewer systems must have the capacity to service the amount of units that Blue Mountain Village plans to develop. Randy mentioned the Borough is seeking a water interconnect with Schuylkill Haven with a maximum of about 300,000 gallons per day. The plant currently runs 6-8 hours a day at this time, $\frac{1}{3}$ capacity. The drawdown of our wells would be a potential issue. The sewer plant has the ability to service the additional EDUs without any concerns.

Blue Mountain Village developer and attorney must act before the Borough takes any sort of action regarding Blue Mountain Village at this time.

Curative Amendment Zoning Ordinance

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. A final draft of the curative

amendment was provided to the Commission for review and comment. This replaces animal husbandry definition and replaces it with the raising of livestock or poultry. Kevin read sections of the Ordinance to the Commission for discussion.

Ben Hunter motioned the Commission to recommend the amendment to the Zoning Ordinance for animal husbandry to address the Curative Amendment issue, contingent on camelid, exotic animals, and the allowed total of pets (dogs and cats) be defined. The motion was seconded by Bill Knecht and carried unanimously.

Darin suggested a standalone ordinance on the number of pets allowed may already exist. Kevin will revise the Ordinance and provide the Commission with the revised copy.

The Ordinance will be properly advertised. A public hearing will be held at 6:30 pm on March 13, 2024.

Unfinished Business:

A Resolution to change the name of Route 61 in the Borough to adequately align addressing with the County's 911 addressing system is being prepared by Solicitor Datte.

Adjournment:

The next Planning and Zoning Meeting is scheduled for Wednesday, March 20, 2024 at 7:00 pm in Council Chambers.

A motion to adjourn the meeting at 8:21 pm was made by Larry Dagna and seconded by Paul Bedway.

Respectfully Submitted,



Sarah L Celani
Borough Secretary