



BEAR CREEK TOWNSHIP

PLANNING BOARD

Chairman

Ronald J. Knorr

Vice Chairman

Joseph Yenchik

Board Members

Anthony Ciliberto

Richard Kresge, Jr.

Michael Parri

February 21, 2005 Planning Board Meeting Minutes

The meeting started at 7:05 pm and all Board Members were present. Due to a change in the Bear Creek Township (BCT) Supervisor Meetings the Planning Board (the Board) will now meet at 7pm, when necessary. (This change was also advertised in the Citizen's Voice Newspaper.)

The Planning Board completed their annual reorganization by re-appointing Ron Knorr as Chairman, and Joe Yenchik as Vice Chairman. All Board Members were in agreement of the 2005 appointments.

Ron Knorr updated the audience of the executive meeting between the Planning Board, Supervisors and Solicitor on 11-10-2004, to discuss zoning issues within Bear Creek Township. He also stressed that no decisions were made during this meeting. Another executive meeting will be held on Tuesday 11-16-04 at 7:30 pm.

➤ **Agenda Item: Community Energy (Bald Mt. Wind Park) – Final Approval**

Micah Merrick (Financial Analyst) & John Segelski (Development Team) were in attendance representing Community Energy. In summary, 13 windmills were approved and they are now requesting approval for 1 windmill to be moved from the Banacek property to the Dutko property.

Micah Merrick explained that the tax credit would allow the project to begin in 2005. Heavy turbine demand caused a slow go. The Bald Mt. project will be the first with this type of turbine. The shift in the placement of the turbines is due to the size of the new turbine. All new landowners impacted by the move are in agreement with the placement.

Ron Knorr asked what is larger on these new turbines? For 4 years the Board knew of the old turbines, could you provide information on the new turbines. Micah Merrick responded by saying the tower will remain the same height but the pad the turbine sits on has become larger. It is the same tower with minimal improvement. The new design resulted in a better-designed turbine that maximizes wind energy.

Ron Knorr questioned the representatives as to whether the maps they are referring to are the most updated maps. The answer from Micah was "to my knowledge yes".

Ron pointed out that the name on the map is old. We need to see the location of the turbines on the map. Jack Varaly added that the locations are approximate due to 'as-built' drawings.

Joe Yenchik asked how we would know the closest house to any of the windmills without seeing the locations and topography on the map provided. The Board is concerned about the closeness to any property lines. Jack responded by saying the turbine pads are 50' x 50' and have been located with global positioning information due to the need for 'as-built' drawings. Joe Yenchik reiterated that the Board would still like to see the actual boundaries on the map.

Ron asked again if the new turbines are similar to the old ones? They only have minor changes from the others discussed. Micah Merrick stated they are the same turbine and will require regular maintenance that includes a lubricant.

Joe Yenchik indicated they would need more information on the map (i.e. erosion & sedimentation map) before final approval.

Ron Knorr asked if Community Energy had contacted the surrounding property owners? No response. Ron asked the Board's Secretary to send a letter to Community Energy requesting the width of the Dutko property.

Jack Varaly indicated that Community Energy is looking to relocate turbine #13.

Micah Merrick informed Tony Ciliberto that Community Energy has received temporary approval from the property owners (Kenzakoski & Dutko) to move the turbine.

Rich Kresge asked if the original erosion permit for this job had expired. Jack Varaly stated a MPDS permit was granted.

Bill Vinsko indicated the lease agreements provided to the landowners appears accurate but the deed description will need to be attached for reference.

Ron pointed out that the signed agreement is with Donald Kenzakoski not Ed? Not sure if this is accurate or legal.

Joe Yenchik pointed out that the meets and bounds of the Dutko and Banacek properties are not listed on the map. Micah Merrick said they would be happy to provide this information.

Micah Merrick told the board that Community Energy has taken over all responsibilities from Energy Unlimited. The turbines are going to be 210' high.

Ron was concerned that the neighboring property owners not part of the deal may not know this is going on around them. Joe Yenchik asked Micah Merrick if they could send them a letter. He said that would not be a problem. The Board wants to ensure that if a windmill would fall towards an adjoining property owner they have been previously been made aware of this.

Ron Knorr wanted 'approximate' taken out of "approximated property line" and to update the name on the map.

Ed Benkoski noted that all BCT permits are void. Community Energy will need to obtain new permit to start this project.

Rich Kresge wants to see the erosion and sedimentation plan on this project prior to approval.

Micah Merrick informed the audience that there really is no way for the residents of BCT to benefit from the energy created from these turbines. Ed Benkoski stated he has been in contact with PP&L regarding this.

A discussion around BCT's liability with the windmill project ended with Ed Benkoski noting that BCT is listed as second insured. Bill Vinsko noted that this would be a dispute between the landowner and Community Energy. BCT has limited liability. Ed Benkoski stated that all residents on Bald Mountain Road have been contacted regarding this project. Only two residents complained and one has since passed away. There was concern over how blasting would impact their wells. This was addressed with Community Energy. If a problem arises it will be taken care of ASAP. The closest turbine is a resident's home is ¾ to a mile away.

Due to outstanding questions no vote was taken.

➤ **Agenda Item: Aqua Pennsylvania – Discussion**

Dave Quinn (Manager, Aqua PA) informed the Board that the Forest Park water system still owes Penn Vest. Aqua PA is buying the company that owns the water system in White Haven and that Penn Vest is just one of many acquisitions.

Dave Quinn would like to test the quality of the water before stating they will need to do anything to the water.

Jack Varaly asked if the purchase is contingent on the Bankruptcy of Forest Park Water System. Dave Quinn replied by stating Forest Park owes 1.6 million dollars on a loan and this amount is part of the sale. Penn Vest will not be using one loan to pay another.

Joe Yenchik asked if there would be a rate increase to the residents of Forest Park? Dave Quinn stated Aqua PA would not do this right away. In order to increase the rates Aqua PA will need to go in front of the PUC to get a rate hike. Every 2 years at a minimum Aqua PA can increase their rates. In addition, as you improve the system you can request an increase.

Jack Varaly asked Dave Quinn if Aqua PA is currently in conformity with BCT ordinances and Dave replied that he is not aware if they are not conforming. Dave also added that once they purchase the system they intend on improving it. Rich Kresge stated that the Board would like to see the improvements and Dave agreed.

Ron requested a letter to Penn Vest stating that Aqua PA does not conflict with the BCT comprehensive plan. (Aqua PA contact is Mary Joe Brown)

All Board members were in agreement to move on to the next topic.

➤ **Agenda Item: Verizon, Cell Tower Replacement – Final Approval**

Attorney Richard Williams, Gary Stouffer and Dale Brubaker were in attendance representing Verizon on this project.

Richard Williams explained that Verizon is looking to tear down an existing tower and replace it with a 250-foot self-supporting tower. Verizon wants to replace the system because when the existing tower sways customers lose service on their cell phones. The Verizon representative provided scaled maps of the proposed tower.

Verizon would like to keep the current guide tower constructed until the new one is built. 1-¼ inch cables are attached to the tower and all anchors will be removed. The old tower will be removed within 60 days of the issuance of the BCT building permit.

Ron Knorr asked if this construction would change any access to the site and Gary Stouffer indicated it would not. FM Realty will provide a gate. In addition, there will be an 8-foot chain link fence with barbwire. Ron informed the representatives that barbwire is not in conformity with BCT ordinance.

Rich Kresge asked if the FAA has approved the height of this tower and Richard Williams stated it is the same height as other towers in that area.

Joe Yenchik made a motion (with Ron Knorr seconding) to accept the plan with the condition that a surveyors seal is attached. In addition, they do not want the new tower constructed with barbwire. All Board Member were in favor of the motion.

➤ **Agenda Item: BCT Curative Amendment – Final Approval**

Jack Varaly sent the BCT Planning Board the proposed amendment. The amendment will address the addition of a new zoning code to include methadone clinics, adult club, BYOBs etc.

Jack explained that with the absence of this amendment allowing methadone clinics, adult club, BYOBs as a conditional use leave BCT open to have these types of establishments anywhere in BCT. (Example: BCT Nursing home could be used for a methadone clinic.) The current ordinance of BCT does not address any of this and is required by the PA State Planning code. In addition, the current BCT zoning maps and ordinance are deficient. Due to the poor zoning maps it was difficult to determine the current industrial zones. This amendment brings the BCT ordinance into compliance.

Currently, 62 acres are being proposed as being part of the new industrial zoning I-1. Those being the PA Turnpike property, BCT property, BCT fire company property, and the Penn Dot property.

Heavy industry has been eliminated from the current ordinance and light industry was more clearly defined.

The timing:

180 days to complete amendment will expire on 03/18/05. There will be a public meeting to discuss the curative amendment on 03/03/05 at 7pm and a special BCT Supervisor Meeting for this same topic on 03/10/05. Properties will be posted on 03/03/05 and advertisements will be placed in the Citizen's Voice newspaper.

Bill Vinsko added that the items at these meetings are specifically for the curative amendment not for the rezoning of the entire township.

Ron Knorr asked Jack Varaly to explain to the audience what would happen if the ordinance is left as is. Jack stated that you must make distinctions (Dr's office or methadone clinic) in your ordinance to avoid problems in the future. This ordinance is a precautionary step to avoid opening BCT to unwanted uses.

Discussion started within the audience and Jack Varaly reiterated the purpose of this curative amendment. Ron Knorr provide the example again to the audience that if BCT does not add this language to our ordinance the BCT Nursing Home could become a methadone clinic.

A resident asked if industrial zoning was required by the State of PA. Ron Knorr indicated that it was but also pointed out that if the industry coming into BCT does not meet the uses in our comprehensive plan the Board can deny it.

Ron Knorr made a motion (Joe Yenchik seconding) to accept the curative amendment and forward on to the BCT Supervisors for approval. All Board Members were in favor of the motion.

The meeting closed at 8:27 pm.