



BEAR CREEK TOWNSHIP

PLANNING BOARD

Chairman

Joseph Yenchik

Vice Chairman

Anthony Ciliberto

Board Members

Richard Kresge, Jr.

Michael Parri

Ed Benkoski

August 21, 2006 Planning Board Meeting Minutes

The meeting began at 7:05 pm and Board Member Ed Benkoski was not in attendance.

Prior to the start of the meeting, Attorney Bill Vinsko read a letter he received from Board Member Ed Benkoski stating he would be resigning his seat on the Planning Board immediately (the letter is attached to these minutes).

The July 2006 meeting minutes were approved with a motion by Tony Ciliberto, and a second by Richard Kresge. All Board members were in favor.

Agenda Item: Mack Subdivision

Harold Ash from Pasonick Engineering was in attendance representing this agenda item. He is seeking conditional approval of this project pending a HOP and perk test. As of today, the owner is not sure where the access to the landlocked 9 acres will be. However, sale of the Solomon property will provide access through adjoining property. A sales agreement could be eliminate this problem. The Board suggested that the conditional items be attached to the deed in order to protect Bear Creek Township from future problems with this property. Attorney Vinsko indicated that a note on the map and deed would be sufficient, as it would be picked up in a title search.

Joe Yenchik asked why the map is for 26+ acres yet the deed provided is for 35.836 acres. If this property was subdivided previously, this submission would now be considered a major subdivision regardless of the number of lots included in submission.

As follow up to this discussion, Harold Ash asked to be placed on the September agenda to discuss the following:

- Closure for the entire project
- Scales on map need to be updated
- Deeds and sales agreement for both lots need to noted for HOP and perk test
- Provide deed for project acreage
- Discuss major subdivision if land was indeed previously subdivided

Agenda Item: EUI - Penobscot Wind Farm (26-34 Turbines)

Attorney Vinsko informed the representatives of the project that due to the resignation of Board Member Ed Benkoski a tie vote could now take place on their submission. A newly appointed Board Member would not be able to vote on this project if the presentation occurred this evening. Attorney Vinsko asked the representatives to consider not presenting this evening and waiting for the new Board Member to be appointed. In addition, he informed EUI that full approval or denial of the project would be the outcome since the Board no longer grants conditional approval on projects. EUI elected to continue with their presentation.

Walter Poplawski and Bill Start presented their project overview and were prepared to answer any questions the Board may have. Their presentation included the following:

- Local project manager (Ed Schoener) will guide the project. He has vast amounts of experience and is authorized to sign (take action) on behalf of David Lamm. (Letter provided in this regard is attached)
- The date the project must be approved or denied is October 31, 2006
- EUI received comments from Pasonick Engineering today
- Not a stand alone project – contingent on first 25 turbines
- Underground utilities (except for 4 locations)
- Access points through Sherry Lane & Blossom Drive
- 36 foot access roads used during construction will be seeded after construction and will look like 12 foot roads – Only Ridgeline road will remain at 36 feet
- Roads not open to the public only used for turbine inspections
- All appropriate drainage studies have been completed – less than 5 acres of disturbance
- Any wetlands impacted will be looked at individually and built up if necessary

EUI requested a waiver for the scale size of the map. Prepared at 600 scale for the overall map, detail map is at 200 scale and the profile sheets are in 100 scale. The location map sets 1 inch equal to 400 feet but need 1 inch equal to 600 feet to fit the entire project on one pages. A 1-inch equal 2,000 feet was submitted.

A discussion took place over the need for both access roads (2 disturbance areas) for this project. Bill Start informed the Board that the project requires two means for traffic control. Past experiences with these type of projects has proven that although it appears to be more disturbance it is actually less overall. Additionally, David Lamm added that EUI couldn't legally use the Water Co. road based on the agreement currently in place. Sherry Lane will solely be owned by the project. Lake Shore Drive could have access taken away by the Water Co. at any time leaving the project without an access. Tom Dilly also added that there were insurance issues with the electric utilities in the wetlands. John Connolly tried to secure an agreement for the use of this road but was unsuccessful. (Letter attached which provides EUI with access of the Water Co. road.)

A concern was noted over the width of Kresge Trail. Although this is a private road, if it ever becomes public the current width of 30 feet is not up to Bear Creek Township code. Attorney Preate indicated this was not intended for public access. The Board would like the owner Carl Kresge to be aware of this issue for future reference.

Linda Evans requested clarification from EUI over who will have access to the roads. She lives on Blossom Road and is concerned over traffic this project will produce. David Lamm responded that the height of the traffic will be in the first 4 months of construction and the Zoning Variance approved limits the traffic along this road to between the hours of 10 am and 2 pm. Linda Evans was also concerned that the public would also begin using these roads for recreational use.

The Board, EUI and Ben Sevenski (Pasonick Engineering) discussed the comments provided by Pasonick on this project. The discussion included:

- Adding a signature block for the owner - Luzerne County (EUI attorney indicated this is not part of the BCT ordinance and it is not required - Attorney Vinsko agreed)
- A request was made as to where the contours originated from for this project. Walter Poplawski stated it would be too costly for the company to confirm contour accuracy in the field for preliminary stages
- Request for cuts and fills on map
- Preliminary Project plan was submitted for erosion and sedimentation approval – this could take some time and the construction cannot begin without this approval
- No conditional approval will be given on this project
- Universal locks will be placed on gates and the municipality can have a copy of the key
- Attorney Vinsko questioned the representatives as to why they feel their access is a “driveway”? EUI’s use does not fit into the “driveway” description in the BCT code. This definition is critical to the project, BCT needs to know if these are roads or streets for future reference and it cannot simply be noted on the plan. This could present future liability to Bear Creek Township if not clearly defined
- It was agreed that someone from Luzerne County needs to address how the roads will be used to properly label them for this project
- EUI was going to send a letter to Luzerne County requesting what their intended use is for these roads

A motion was made by Tony Ciliberto to close the Planning Board meeting, seconded by Joe Yenchik. All were in favor.

The meeting closed at 10:25 pm.