



BEAR CREEK TOWNSHIP

PLANNING BOARD

Chairman

Joseph Yenchik

Vice Chairman

Anthony Ciliberto

Board Members

Richard Kresge, Jr.

Michael Parri

Ed Benkoski

March 20, 2006 Planning Board Meeting Minutes

The meeting began at 7:05 pm and all Board Members were present.

The February 20, 2006 meeting minutes were approved with a motion by Ed Benkoski, and a second by Tony Ciliberto. All Board members were in favor.

Agenda Item: Energy Unlimited, Inc. – Penobscot Wind Farm

Since the last meeting the Board met to discuss additional conditions/concerns they have with the project. A listing of these additional items was provided to EUI on 3/17/06 by Attny. Vinsko. The revised plan has not been submitted to Luzerne County for additional review. Based on this, there is no guarantee the County will review the plan timely causing the need to further extend the timeframe BCT has for approving the Penobscot Wind Farm Preliminary Plan.

Attny. Preate stated EUI wants to discuss the conditions and is willing to work with the Board on their additional requests. Joe Yenchik noted if EUI & the BCT Planning Board cannot come to a resolution on the additional conditions, the Board would have to vote on whether this plan should be deemed a new submission.

Mike Parri asked Attny. Preate to find out from David Lamm who in BCT provided him the “promise” he referred to at the February Meeting, and what this promise was pertaining to. Attny. Preate said he would clarify this with Mr. Lamm. (The 2/06 meeting minutes were provided in hard copy on 3/20 and then again via email on 3/21 to EUI).

A discussion began over the intent and use of the plan submitted. EUI & A&E are under the assumption they can make changes to the design of the project (within reason) and not resubmit the plan to the Board for final approval. They feel some of the design must be finalized during construction. Jack Varaly stated the approved plan must be what the developer is intending to build and should not be vastly different from the approved plan. Joe Yenchik mentioned that cuts and fills should be provided on the map now, not after construction. Tony Ciliberto added that with all the variables available on this project, the map should provide accurate geometry; additionally, the surveyor and engineer should have enough information to make this map final plan design.

Rich Kresge asked why the map does not contain all of the roads. Bill Start indicated that A&E would update the map to include missing roads.

Joe Yenchik asked if the most recently submitted plan would be a reflection of the final plan. Bill Start stated that it will with some "wiggle room". Mr. Yenchik responded that every time the Board looks at the plan they find additional inefficiencies with the project. The ordinances are clear as to what needs to be provided on a plan and it is frustrating that the Board has to continually point out problems. Attny. Preate said they would work out the problems.

The Board and representatives of the project began to discuss the additional concerns/conditions requested to be implemented on the map/project. A summary of the discussion is as follows (not all concerns/conditions were discussed due to time):

- EUI will provide a copy of the lease agreements within the next week or two.
- Separate land development applications must be filed for this project, if not done in 2003 it must be done now (Hutter/Lewis property). Dave Fedak was in attendance at the meeting and explained how his property is involved in the project.
- If nothing will be placed on the Fedak property the Board would like to see the literal of "Nothing" noted on the map.
- Tony Ciliberto asked EUI to use the proper project name when submitting the Hutter/Lewis land development application.
- The Board would like the legal description of the Fedak property – the proposed construction on this land is very close to the property line and the Board wants to ensure the property lines are accurate and the deed closes.
- Board would like signed agreement regarding Blossom Road for BCT records.
- Board requested certification that the agency reviews were on the latest plan design submitted in December 2005.
- Game Commission letter of concern was addressed. EUI & A&E stated they received approval from the Game Commission; however, this approval was never received by BCT. Joe Yenchik asked if EUI could get a comment from DEP on the Game Commission letter of concern.
- EUI explained that Penn DOT does not provide contingent approval and all roads will be set up temporarily for increase in traffic.
- EUI will comply with aerial photos.
- EUI will reseed DDT Tower, which is no longer necessary for the project.
- EUI will look into moving the turbines that are encroaching upon the wetland. The closest turbine is 650 feet from Crystal Lake.
- If turbines are moved new FAA approval will be necessary
- The turbines used in this project will have an auto-shut off feature. The Board would like to see the specifics from the manufacturer.

Attny. Preate stated EUI now has the data they need to work with. The Board & EUI agreed that when the conditions/concerns are addressed and complete EUI would inform the Board. EUI will not wait for everything to be complete in order to update the Board.

The Board also agreed to NOT hold EUI to the 3-week submission deadline for information regarding updates on the new conditions.

Dave Fedak requested that EUI respond to his letters sent in 2005 regarding "shadow flicker". The letters provided to the Board by Dave Fedak were emailed to Bill Start, David Lamm, Attny. Preate and Bob White on 3/22/06.

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

The meeting closed at 10:25 pm.