



BEAR CREEK TOWNSHIP

PLANNING BOARD

Chairman

Joseph Yenchik

Vice Chairman

Anthony Ciliberto

Board Members

Richard Kresge, Jr.

Michael Parri

Rose Andrews

October 16, 2006 Planning Board Meeting Minutes

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

The April 2006 meeting minutes were approved with a motion by Rose Andrews, and a second by Mike Parri. All voting Board members were in favor of approving the minutes. Richard Kresge abstained from the vote.

Prior to the start of the meeting Attorney Vinsko clarified the voting role of Board Member Rose Andrews as it relates to the Energy Unlimited, Inc. project currently before the Board. Attorney Vinsko did further research and found no condition preventing a Board Member from voting on this project. In this instance, Mrs. Andrews attended all prior meetings on the topic and did not take a position on the project. Attorney Vinsko felt that due to this research Mrs. Andrews could vote on this project. EUI representatives did not agree with this summation.

Also as an update, Board Member Andrews did not receive the project documentation from prior Board Member Benkoski.

Agenda Item: Mack Subdivision

Harold Ash was in attendance representing this agenda item.

The Board requested the deed for this subdivision that would reflect the new parcel. Attorney Vinsko explained to the resident's attorney that for good land use planning BCT needs this documentation.

Harold Ash updated the maps for all other items requested by the Board. However, Mr. Mack does not want to update the deed description for this subdivision.

A letter will be sent to Mr. Mack explaining that the Board cannot approve this project without the updated deed description.

A motion was made by Joe Yenchik, second by Tony Ciliberto to approve a 30-day extension on this project. All Board members were in favor.

Agenda Item: Williams Subdivision

4/4/2008

Robert Williams was in attendance representing this agenda item.

Mr. Williams provided the Board with updated maps that reflect the changes requested at the last meeting. In addition, a temporary HOP was provided for documentation. Permit #04037909 issued on 9/2006.

The BCT Engineer noted that the lot width is less than the required minimum for agricultural districts. The required width is 300 feet and the new lot in his subdivision is 190 feet. This lot will require a variance approved through the Zoning Hearing Board.

Richard Kresge also brought to the Boards attention that anytime you subdivide you need to PERK each lot. Going forward the Board needs to make sure the projects comply with this to protect BCT.

A motion was made by Tony Ciliberto, a second by Richard Kresge to approve a 90 day extension on this project to allow the resident to obtain the necessary variance on his subdivision. All Board Members were in favor of the motion.

Agenda Item: MISCELLANEOUS (Wood Burner Ordinance)

Jack Varaly prepared an ordinance to be reviewed and ultimately voted on by the Board relating to a new type of wood burner used by residents to heat water, etc. These wood burners have the potential to disturb surrounding residents with smoke, etc.

Jack Varaly stated this is the third request he has received this year to put together an ordinance on this type of burner and that they are becoming more of a problem that municipalities need to control.

Currently, these types of burners only require a permit be issued by BCT but no regulations about there use. With this ordinance the burners will require:

- Requires zoning
- 25 foot minimum chimney
- 100 foot setback from the property line
- 40 foot setback from any structure
- Can only burn based on manufacturer specifications
- Burning will be limited to specific time

A discussion began over the existing wood burners in BCT and whether or not they would be grandfathered after the ordinance is passed. This was not resolved and would require further discussion. Attorney Vinsko noted that any current burner should have received a permit and, if one was not issued, BCT has the right to fine the resident accordingly.

Joe Yenchik asked Jack Varaly if he could send the ordinance to Luzerne County for review to move along with the process while the Board completes its review.

This discussion will be continued at the next Planning Board meeting.

Agenda Item: Penobscot Wind Farm (Energy Unlimited, Inc.)

Attorney Ernie Preate, Walter Poplawski and David Lamm addressed the Board on this project.

After discussing the voting role of Rose Andrews EUI expressed their opinion that she should not vote on this project due to her comments at prior Zoning Hearings. Attorney Vinsko advised Rose Andrews that if

she has any formulated opinions or bias on this project she should not vote. Mrs. Andrews said she is not against wind farms and will vote in the best interest of BCT.

Walter Poplawski confirmed with the Board that EUI has a waiver on the map scale; plan scale and use of 5-foot contours instead of 2-foot contours.

A discussion was held surrounding the Engineer comments issued on 10/12/2006.

Items discussed:

- Revised easement shown on map
- E&S Plan approval
- Public v. Private roads – BCT has an obligation to protect the residents
- Wind farm agreement status
- Foundation analysis completed after approval granted
- Decommissioning bond – still not obtained by EUI
- Maintenance building – no plans at this time

The BCT Engineer is adamant that the owner of the land should sign the map of the project even though it is not required in the regulations. Although it is not a regulations but a procedural matter, Jack Varaly explained that the owner signature is part of the application process and EUI is not the equitable owner.

EUI feels they have provided sufficient documentation from Luzerne County to cover this item. However, the Board does not feel that the letters provided are sufficient and would like to see meeting minutes or a resolution that the County Commissioners approve this.

A motion was made by Joe Yenchik, a second by Rose Andrews to require signatures from two Luzerne County Commissioner on the Penobscot Wind Farm project maps. Rich Kresge abstained from the vote; however, all other Board Members were in favor of the motion.

The Board then offered to provide EUI an extension allowing them the opportunity to obtain the necessary signatures on the plan from Luzerne County. EUI refused the offer of an extension and stated they provided sufficient evidence and did not require additional signatures.

A motion was made by Joe Yenchik, a second by Tony Ciliberto to vote on the Penobscot Wind Farm Project. Richard Kresge abstained from the vote and all other Board Members were in favor.

A motion was made by Tony Ciliberto, a second by Rose Andrews to approve the Penobscot Wind Farm Project. (Vote: Kresge = Abstain, Parri = **Yes**, Andrews = **No**, Ciliberto = **No**, Yenchik = **No**). Recommendation to the Board of Supervisors will be to not approve this project.

A motion was made by Tony Ciliberto, a second by Mike Parri to close the Planning Board meeting. All were in favor.

The meeting closed at 9:35 pm.