

MEETING MINUTES
CORNWALL BOROUGH, LEBANON COUNTY
PLANNING COMMISSION
August 6, 2018

Regularly scheduled monthly meeting of the Cornwall Borough Planning Commission held on Monday August 6, 2018 at the Borough Hall. In attendance: Regular Attendees: Ray Fratini, Jim Williams, Bruce Conrad, John Karinch, and borough engineer Jeff Steckbeck. Absent: Jeff Snyder . Guests: Larry Lawyer, Chad Smith.

- 1. Meeting call to order at 6:30 p.m.**
- 2. Cornwall Manor – The Woods Phase 2C Final Plan** – Chad Smith of SESI gave a presentation and explanation of the plan for Phase 2C Final. The plan has been revised to result in a fewer number of houses than was originally approved on the Preliminary Plan. Stormwater design and Erosion Control Plan were revised to come into compliance with new federal and state laws, with more stringent BMP facilities than were provided on the previously approved Preliminary Plan. The Borough’s alternate engineer Larry Lawyer of the ELA Group reviewed the plan two times on behalf of the borough. Mr. Lawyer explained the extent of his comments up to this point in time, and that the plan has been revised to comply with those comments. He also confirmed that the plan has been revised to comply with Lebanon County Planning Department review comments, Cornwall Borough Municipal Authority rules and regulations. Approval of the NPDES permit and E&S Plan by the LEBCO Conservation District is pending and should be received in the near future. Mr. Lawyer indicated that the only remaining items are a few “clean-up” comments, and final signatures and seals. He believes the Plan as now revised is ready for a Conditional Approval recommendation by the Planning Commission. On motion made by Mr. Fratini and seconded by Mr. Williams, the PC voted unanimously to recommend plan approval by Borough Council, conditioned upon 1) receipt of the NPDES and E&S Plan approval letter from the LCCD; 2) receipt of the required stormwater management agreement in a form acceptable to the solicitor; 3) all proper signatures, seals and notarization on the final plan; and 4) payment of all required Recreation Fees at the rate of \$1,250 per house.
- 3. Municipal Authority** – The PC discussed the status of the dissolution of the Cornwall Borough Municipal Authority. PA DEP has approved and issued the permits for the full transfer of the water and sewer systems to Cornwall Borough Council. Ordinance 2018-02 will be on Council agenda at the August 13th meeting, adopting new Rules, Regulations, Rates, Fees and Charges and implementing the start up of operations of the water and sewer systems by Cornwall Borough. It was noted that all water and sewer funds will be administered, accounted and handled in separate accounts and not co-mingled with the general fund. Also noted that Barb Henry and Jim Hetrick will become Borough employees and keep their respective job descriptions.
- 4. Iron Valley Golf Course** – IVGC Manager Jeff Harper spoke with John Karinch and Jeff Steckbeck in advance of the meeting. They reported to the PC that neighbors of IVGC have been lodging complaints with the Pa Liquor Control Board for all noise emanating from the golf course, at all times of the day, unrelated to the tavern portion of the restaurant operation. The complaints encompass the loudspeaker and public announcement portion of golfing events, even when only announcing results of the golf tournaments, or for prize winners. IVGC has attempted to negotiate with the neighbors to no avail. IVGC has requested that the Borough modify its ordinances to identify that their noise generating

activities relating to the recreational component of their operation (not the liquor serving tavern component) be afforded acceptable hours of operation during which they would not be considered a “nuisance” and would thus be exempt from complaint and prosecution by the PLCB. The Planning Commission discussed the matter at length. It was noted that other uses within the borough, and other public events outside of the borough but occurring in neighboring municipalities allow, permit and condone emanation of noise for recreational or sports activities, all which can be heard at significant distances from the source of noise, and all of which are considered valuable events, such as but not limited to: the Lebanon Area Fair and other routinely scheduled outdoor events located at the EXPO Center; sporting events in the Earl Boltz stadium at Cedar Crest High School; horse shows at the Quentin Riding Club; the Sacred Heart festival; bands and DJ’s at the National Night Out. After careful consideration of this issue, and weighing the rights of concentrated groups of people to enjoy recreation and leisure and the noise associated with their activities compared to the rights of individual property owners and residents to their peace and tranquility, upon motion made by Mr. Fratini and seconded by Mr. Conrad, the Planning Commission voted unanimously to recommend that Borough Council amend the language of the Cornwall Borough Code of Ordinances, Chapter 8 Offenses and Nuisances, Article 2. Nuisances, Section 8-201.A to read as follows: “Loud playing of radios, television sets, juke boxes, amplifiers and other sound devices so as to be heard beyond the premises from which the sound emanates **after 11:00 p.m. and before 7:00 a.m..**” (bold, underlined portion is the recommended addition to existing language.) The Planning Commission also makes note that the addition of time periods when loud noises would not be considered a nuisance is already recognized precedent in both Sections 8-201.B and 8-201.D to reflect the reality that many activities undertaken by people will and do generate noise which unfortunately might be unpleasant to some people, but nevertheless must be allowed to take place. The Planning Commission also recommends that if and when Council approves and adopts this amended language in the Code of Ordinances, a letter should then be sent to Iron Valley Golf Club informing it of the change within the Ordinance and stating “The noise emanating from amplifiers and other sound devices, as well as the customary and routine activities relating to operation and maintenance of your golf course, are now officially exempt from being considered a “nuisance” as defined by the ordinance so long as the noise only occurs between the hours of 7:00 a.m. and 11:00 p.m.”

Meeting adjourned at 7:20 p.m.

Upcoming Commission Meeting

Tuesday September 4, 2018 Planning Commission’s monthly meeting at 6:30 p.m. at Borough Hall. Regular Monday meeting date moved due to Labor Day holiday.