

Board of Supervisors:
Andrew Erie, Chairman
Alan Smallwood, Vice Chairman
Kenneth Frenchak Jr, Supervisor
Edward Latuska, Supervisor
Philip Wulff, Supervisor



Anthony Amendolea, Secretary/Treasurer
Mark Lauer, Public Works Director
Richard Round, BCO/Zoning Official
Michael Gallagher, Solicitor
Olsen & Associates, Engineer

PLANNING COMMISSION
Regular Meeting Minutes
February 26, 2014
6:30 p.m.

CALL TO ORDER:

The Regular Meeting of the Center Township Planning Commission was called to order by Chairman Thomas Schiebel at 6:30 p.m. at the Center Township Municipal Building, 419 Sunset Drive, Butler PA 16001.

ROLL CALL:

Present, in addition to Schiebel, were members Neil Ashbaugh, Cheryl Schaefer and Brad Cavaliero; and Secretary/Treasurer Anthony Amendolea. Member Robert Sloan was absent. Township Engineer Ron Olsen arrived at 6:34 p.m.

APPROVAL OF AGENDA:

Cavaliero motioned approving the agenda for the February 26, 2014 meeting, as presented. Ashbaugh seconded. Motion carried.

PUBLIC TO BE HEARD: None

MINUTES:

Schiebel motioned approving the minutes of the Regular Meeting held January 26, 2014. Schaefer seconded. Motion carried.

SUBDIVISION & LAND DEVELOPMENTS: None

OLD BUSINESS: None

1. Chickens/Bees Ordinance: This item was tabled at the January 22, 2014 meeting for further review. Building Code Official/Zoning Officer Round presented a proposed ordinance to revise the definition of livestock, must have a minimum of five (5) acres, and keeping of hens only and not permitting free range conditions. Cavaliero stated Sam's Club is selling small animal cages. Schiebel considers bees are not livestock. The proposed ordinance should consider regulating pets to reside within home. Ashbaugh agrees beekeeping should not be permitted in the R-1, Single Family Residential District and chickens should be permitted in the R-1A, Low Density Residential District.

Schiebel motioned recommending consideration of the draft ordinance as written. Cavaliero seconded. Schaefer opposed. Motion carried 3 to 1.

NEW BUSINESS:

1. Gray Rezoning Request: Mr. Richard Gray requests rezoning property at 2040 William Flynn Highway (Center Township Map 060-S5-A). Currently, the property is zoned R-1, Single Family Residential District and C-2, Highway Commercial District. Mr. Gray requests the R-1, Single Family Residential District portion be rezoned to C-2, Highway Commercial District. *Cavaliero motioned recommending the portion of the property located at 2040 William Flynn Highway (Center Township Map 060-S5-A) zoned R-1, Single Family Residential District be rezoned to C-2, Highway Commercial District. Schiebel seconded. Motion carried.*

2. Self-Storage Facility: Mr. Richard Gray requests an amendment change to allow fixed self storage units on property located at 2040 William Flynn Highway (Center Township Map 060-S5-A). Building Code Official/Zoning Officer Round submitted a proposed change permitting self storage units as a conditional use in the C-2, Highway Commercial District. *Ashbaugh motioned recommending not to approve the proposed change of permitting Self-Service Storage Facility as a conditional use in the C-2, Highway Commercial District. Schiebel seconded. Motion carried.*

3. Mineral Extraction Overlay District: Township Solicitor Gallagher suggests amending the Mineral Extraction Overlay District to parallel a non-surface contract so that non-surface mans no surface activity whatsoever – no shallow pipelines, no driveways, no equipment storage, no lights, etc. So, §20-5.104 of the Mineral Overlay Ordinance, entitled “Permitted Accessory Uses” would be amended by adding a section D., which states:

D. Non-Surface Oil and Gas Horizontal Underground Drilling Operations. As used herein, the term Non-Surface Oil and Gas Horizontal Underground Drilling Operations excludes:

Geophysical surveys with seismographs, by core tests, gravity, magnetic, geochemical and other methods whether now developed or developed later, constructing drill sites to drill new wells, recondition producing wells, re-drill and use abandoned wells, utilizing pipe and equipment on the surface or shallow depth of any property, drilling and otherwise operating on the surface for oil or gas or both, including constructing, laying, modifying, operating, repairing, maintaining and removing pipelines, telephone, lights, power and electric lines, storing transportation or other equipment, utilizing tanks, ponds, permanent roadways including stone or rock roads, plants, stations, compressors, equipment and structures thereon including houses or valves, meters, regulators and other appliances, and injecting air, gas, water, brine or other substances into the subsurface strata from the surface.

The various sections of the R-1, R-2, R-3, C-1, C-2, M-1 and M-2 conditional use provisions for oil and gas extraction would be amended by adding language to the end of each provision:

NOTE – Non-surface oil and gas horizontal underground drilling operations, as defined in §20-5.104.D., are accessory uses to oil and gas extraction as a conditional use in this district.

The Board of Supervisors appointed Mr. Ron Flatt to assist the Planning Commission, Building Code Official/Zoning Officer Round, Township Engineer Olsen and Township Solicitor with the Mineral Extraction Overlay District amendment. Ron Flatt provided the following:

“On Thursday, February 20 as a part of my work to review our Mineral Extraction Ordinance I spoke with Jeff Pearce. My intention was to get his comments on the issue of surface vs. non-surface mineral activity which was raised at the last Board meeting, and to clarify for me an issue of my concern, the details of what we may or may not regulate as a part of the Land Development process we require in our Ordinance. In my personal conversations with other elected officials, and from what I have read online, there is a wide range of opinions about the Land Development process, or even if we may require a Land Development. My goal here is to recommend policies that protect Center Township and its residents legally and financially. Jeff comes at this situation from a different perspective on both the overturning of Act 13 and the proposed high pressure line Edge Mark wants to construct in Center Township.

Jeff thinks (and Ron Olsen seems to agree) that Center Township should take a hard line aggressive regulatory posture on where the Edge Mark line traverses Center Township roads. It seemed to me last fall when we met with Edge Mark that there was little we could do one way or the other, but Jeff and Ron seem to think otherwise.

Jeff thinks that our ordinance bought us three years, but that, after speaking with various other planners and attorneys involved in the Act 13 case, we need to make some structural changes to our ordinance. Of course we knew when we adopted the Ordinance overlay map for deep mining that the Minich family objected to where we drew one of the boundaries. For myself, I tend to agree with Mike more than Jeff, that our Ordinance needs "tweaked" or clarified, not restructured, and that we can require a Land Development for extraction surface activity, just as we do for any business or industrial site changes.

Since Jeff seemed so strong in his assertions I asked him to review our ordinance and prepare a proposal for what it would take to clean it up, and to have that proposal for me by late this week. At his request I gave him the parameters that we wanted as a Township to preserve the maximum right of our property owners to profit from their resources while strongly limiting or banning surface activity in our higher density Residential areas. I intend to review any proposal from Jeff then make any appropriate recommendation to the Board on how to proceed.”

Ron Flatt will provide changes to the Planning Commission as he completes them. *Schiebel motioned tabling for further information. Schaefer seconded. Motion carried.*

MISCELLANEOUS:

1. Edge Marc Gas Line: Edge Marc met with Board of Supervisors to discuss a proposed high pressure pipe line. This was required by regulations. The pipe line will cross three (3) Township roads: East Brewster Road (T-441), Sunset Drive (T-442) and Pine Tract Road (T-578). Township Engineer is concerned with Department of Transportation regulations. If the pipe line failed, it could be disastrous. Edge Marc is procuring fifty foot (50') right-of-ways. Pipe line is projected to be completed September 2014.

ADJOURNMENT:

Cavaliero motioned to adjourn the Regular Meeting at 8:12 p.m. Schiebel seconded. Motion carried.

ANTHONY A. AMENDOLEA
Township Secretary/Treasurer