

**WEST DEER TOWNSHIP PLANNING COMMISSION MINUTES
NOVEMBER 18, 2021 (Live and Via Zoom)**

The Meeting was called to order with the following members in attendance:

John Butala, Patrick Stark, Robert Bechtold, Kathy Rojik, Alan Banks, Suzanne Garlena, Mark Schmidt.

Absent Members: None.

Other Attendees: William Payne (Code Enforcement Officer)
Chris Voltz (Solicitor)
Scott Shoup (Shoup Engineering)
Dorothy Moyta (Zoning & Planning Administrator)

Applicant Presenters:

Michael & Teresa Coletta Subdivision/ Russellton Dollar General:
Mr. Craig Bishop, HRG
Mr. Robert McCollum, Penntex
Zoning Ordinance Audit Worksheet
Mr. Andrew J. Schwartz

Outline and Order of Meeting

1. Approval of October Minutes
2. Svoboda Subdivision
3. Michael & Teresa Coletta Subdivision Plan
4. Russellton Dollar General – Tentative Approval Conditional Use & Land Development
5. Zoning Ordinance Audit Worksheet
6. Olympus Energy LLC/ Dionysus Well Pad Preliminary and Final Land Development
7. Workshop Meeting: Public Discussion

Approval of October Meeting Minutes

Mr. Stark had two changes that he wanted to be made on the meeting notes on pages 3 and 7. A motion was made by Mr. Stark and seconded by Mr. Banks to approve the October Minutes as amended. The October Minutes were unanimously approved as amended.

Svoboda Subdivision

The Svoboda Subdivision was presented. Exhibits included a subdivision and land development application, Borough of Oakmont water availability letter 10.29.2021, 2 pages of drawings

October 2021, and Mr. Shoup's letter 11.16.2021. Mr. Shoup reviewed the 4 items in his review letter. A motion was made by Mr. Butala and seconded by Mr. Stark to table the Svoboda Subdivision until either a sewage planning module or septic test results are presented.

Michael & Teresa Coletta Subdivision

Mr. Craig Bishop of HRG presented the revised Subdivision. It is the property that Michael and Teresa Coletta are selling the front of their property at 201 Starr Rd. to Dollar General. Exhibits included the Subdivision Plan updated 11 2021, Response Letter to Scott Shoup's comment letter 11.9.2021 and Scott Shoup's comment letter 11.12.2021. Mr. Shoup went over the comments in his review letter. Comments and discussion points were as follows:

1. Mr. Payne wanted to see results of the septic tests. (The sewage planning module is forthcoming)
2. Mr. Butala wanted to see the results of the test pits.

A motion was made by Mr. Butala and seconded by Mr. Bechtold to approve the Coletta Subdivision subject to compliance with all items in Mr. Shoup's letter.

Russellton Dollar General – Conditional Use and Land Development

Mr. Craig Bishop of HRG presented the updated plans. He said that he had answered all items on Mr. Shoup's review letter. Exhibits include the Building Drawings A1.1, A2.1, and PH1.1, the preliminary/ Final Land Development Plans (21 Sheets) Updated 11 2021, Extension request 11.9.2021, Conditional use Standards 11.9.2021, and Scott Shoup's comment letter 11.16.2021. Comments and discussion points were as follows:

1. Mr. Bishop said that lighting is an issue but that it is typical to have higher footcandles below a fixture.
2. Mr. Bechtold said that lighting issues are stumbling blocks.
3. Mr. Shoup suggested that they take another look at the lighting fixture layout.
4. Mr. Schmidt said that if they cannot fix the lighting, then they need to submit a lighting waiver request.
5. Mr. Schmidt asked whether the turning radius was large enough for the trucks to make the turn at Starr Rd. and Little Deer Creek Valley Rd.
6. Mr. Bishop presented a photo of the truck making the turn and said that they can reroute delivery traffic if this is a problem.
7. Mr. Payne said that a Coca-Cola truck has gotten stuck at that intersection in the past and that ice and snow are also a concern.
8. Mr. Bishop said that they will work on the lighting.

9. Mr. Butala asked whether they were going to revise lighting.
10. Mr. Bishop said Payne said that a Coca-Cola truck has gotten stuck at that intersection in the past and that ice and snow are also a concern.
11. Mr. Bishop said that they were going to add 3 single light instead of 1 single pole and 1 double light pole.
12. Mr. Payne asked whether they were going to be seeking a waiver for spillover lighting.
13. Mr. Bishop said yes.
14. Mr. Banks asked how they were going to maintain the buffered, sloped areas and suggested using different plants, mulching, and ground cover.
15. Mr. McCollum said that this is not a typical site and where there is currently a 2/1 sloped grassy area they will maintain it as a grassy area.
16. Mr. Butala asked what the slope is adjacent to the loading dock area.
17. Mr. Payne said that he would like to see a note about maintaining the sloped area on the drawing.
18. Mr. Banks said that he would like to see them soften the grades along Starr Rd if possible. He realizes that this would not be able to be done along the storm drain.
19. Mr. Payne asked whether they had looked at the sight distances and/ or had received any feedback from PennDOT.
20. Mr. Shoup said that that was covered in the traffic impact study.
21. Mr. McCollum passed out a photo of the Dollar General building that they had done at East Stroudsburg, PA and said that that was the same one that they will be building in Russellton.
22. Mr. Schmidt said that they should look at storm water capacity and confirm. The overflow will not flood the existing catch basin it is discharging into.
23. Mr. Schmidt asked about a sidewalk.
24. Mr. Butala asked whether we were going to do a conditional use or whether Dollar General would need to come back in December.
25. Mr. Schmidt said that if Dollar general was not seeking a waiver, they would not need to come back.
26. Mr. Banks said that some slopes are impossible to modify.

27. Mr. Payne suggested that they change grass mixture on slopes.

28. Mr. Banks is fine with no mow mix as on golf courses.

1. Conditions will include:

- a) Fulfillment of any outstanding issues in Shoup Engineering letter dated November 16, 2021.
- b) Developer to modify lighting to conform to West Deer Zoning and Ordinance standards.
- c) Developer to provide maintenance and landscaping warranty and bonds.
- d) Soften slopes that are 2/1 to 4/1 as much as possible to provide for easier maintenance and use a no mow mix where not possible to alter the slopes.
- e) Reroute delivery trucks to approach from the West to avoid difficult turning radius on Starr Rd. and Little Deer Creek Valley Rd.
- f) Note #12: include “Turf grass with trees and shrubs.”
- g) Provide façade as shown on East Stroudsburg, PA store.
- h) The approval of the Coletta Subdivision.

A motion was made by Mr. Stark and seconded by Mr. Bechtold to approve the Russellton Dollar General – Conditional Use and Land Development with the aforementioned 7 conditions. The motion was unanimously approved.

Zoning Ordinance Audit Worksheet

Mr. Andrew J. Schwartz went over the 10-page Audit worksheet that he had sent. Items were discussed and some points that came out of the discussion that will be incorporated into the Zoning and Planning Ordinance update are as follows:

1. Potential Issue: The definition for Agriculture does not regulate the concentration of livestock. Intensive agriculture uses, like CAFOs (Concentrated Animal Feeding Operations) would be permitted by right throughout R and R-1. There is potential that noise, smell, and traffic nuisances may impact nearby residential homes. *Liked the reference of Agricultural standards as it will always keep it current.*
2. Potential Issue: Infill Zoning applies throughout the entire Township. In effect, the provisions will allow neighboring non-conforming uses to be perpetuated by new infill development. Consideration: Consider only permitting infill Zoning within select zoning districts or designated areas. *25% max non-conforming limit and Infill for Dimensional requirements only.*
3. Potential Issue: The definition of “residential housing developments” is difficult to define and identify. *The new definition of that is tied solely to short term rental. It will include a way to protect areas that neighborhoods, cul-de-sac streets, areas like Russellton, etc.*
4. Potential Issue: While defined in the ordinance, Halfway House is not assigned to a specific Zoning District, which could be considered exclusionary. *Industrial zoning district with standards.*

5. Potential Issue: While defined in the ordinance, Group Care Home, is not assigned to a specific Zoning District, which could be considered exclusionary. *EPD to use best practices and attorney will also verify current legal cases*
6. Potential Issue: While defined in the adopted 2012 Ordinance, Personal Care Home is not assigned to a specific Zoning District. *Possibly clean up definition as it is confusing (section ii). Put in density restriction so large portions of neighborhoods could not be made into personal care streets.*
7. Potential Issue: Apartment, as a conditional use, allows for mixed-use development (commercial & residential) within R-3 and R-4. Mixed-use does not align with the definition of apartment *Make new use group "Mixed-use" and add standards. Use apartment use to mirror where it is allowed.*
8. Potential Issue: Applicants may propose group housing accommodations that do not align with any other existing land uses Conditional Use in R-4.
9. Potential issue: Applicants may propose group housing accommodations that do not align with any other existing land uses. *We want to promote responsible development with allowing for creative uses and accessory uses but also allow for standards to be met. A lot of this concern will be handled in the "Mixed use" use.*
10. Potential issue: Conditional Uses without Zoning Ordinance criteria (Section 162)
 1. Convenience Store, Neighborhood *screening, yards, parking, square feet*
 2. Day Care Center *outside play yard requirement (usable and flat), parking, yards, drop-off considerations*
 3. Garage, Public – *Don't need Twp will never make a parking garage*
 4. Recreation Facility, Profit – *traffic flow, parking, large vehicle parking, etc.*
 5. Recreation Facility, Non-Profit- *traffic flow, parking, large vehicle parking, etc.*
 6. Adult -Oriented Establishment: *restrict signs to only on building and words only no animated, flashing, pictural, graphic, etc. Distance from school/day care/churches, I would also like wording about not being able to see in the windows and the structure shall make the character of the existing neighborhood. So it does not stick out. They may want to do that if we put a lot of restrictions on the signage.*
11. Potential Issue: Land Uses - Missing definitions. Parks and PRND. *We are trying to accomplish a walking neighborhood or strip that encompasses a variety of businesses. West Deer is different and we probably will not get a McCandless crossing but I would love to see an area like main street Saxonburg. Sidewalks should be included in this. See my uses above to get some ideas of my concept. Building size sounds like it needs adjusting or even eliminated. We trust your judgement.*

Olympus Energy LLC/ Dionysus Well Pad Preliminary and Final Land Development

Olympus has requested that the Board of Supervisors vote on Land Use and Land Development by December 31, 2021. There may be an extension or a special meeting scheduled for the vote. Comments and discussion points were as follows:

1. Mr. Schmidt asked whether Olympus could combine the 2 detention ponds.
2. Mr. Payne discussed where the 650' distance to the ponds was measured.
3. Mr. Butala said that "2-way traffic" needs to be defined. Does that mean simultaneous 2- way traffic or one lane at a time.
4. Testing of well water was discussed. Mr. Shoup said that water testing was 1000'. Mr. Stark said that the testing distance needs to be consistent and the first testing is baseline.
5. Mr. Stark wants to know what they are testing for as there are different kinds and costs of tests. Also, how far out will they continue testing as 2 years is really not enough for the well chemicals to travel through the soil to the wells.
6. There are about 100 wells between Bryson Rd., Middle Rd. Extension, and Cobri-Wood Lane.
7. Development other than gas wells can affect the well water. Jeff Gauley of Ashley Rd. said that this Planning Commission is looking at a few trees around the gas well and there has just been a huge amount of trees taken down for Oakwood Heights Phase 2 development.
8. Mr. Schmidt said that they need to keep the baseline testing – Kevco water tests cost from \$300 to \$900.
9. Mr. Butala asked whether there wasn't a protocol in place for water testing by Olympus.
10. Mr. Schmidt said that there needed to be more comprehensive water testing.

Mr. Payne presented 8 additional conditions that they would be seeking for on the Dionysus Well pad to add to the existing list of conditions already called out. Added conditions will include:

1. Applicant shall install new public water line on Lick Road to connect Bairdford Road and Middle Road Extension to give residents availability to public water if they choose to upgrade to public water. Resident will pay for tap in fee and to run service line from Oakmont water main line to resident's structure. (Will probably be a contribution to the Township and Oakmont water to run project with Township paying for new line.)
2. Road improvements to Middle Road extension shall be complete in regard to widening, straightening, and all base repair prior to drilling operations equipment being delivered on site.

3. Middle Road extension shall remain open to simultaneous two-way traffic in all phases excluding rig-up and rig-down operations.
4. Applicant shall notify all residents within the 1.25 mile radius of the well pad edge and provide initial water well, pond, or similar watering source testing (from an independent 3rd party) for any resident that chooses to have their water source tested. If any additional wells are installed or re-fracking of a well occurs the applicant or operator shall also provide water source testing for any resident who chooses to have their water source tested.
5. Applicant shall provide water well/source testing (from an independent 3rd party) for all residents within 1.25 mile radius of the well pad edge that registers a complaint of contaminated water source. The applicant/operator shall be responsible for the cost of up to 2 complaint follow-up tests in the first 5 years of service and 1 additional complaint follow-up test in years 5-10. If any additional wells are installed or re-fracking of a well occurs the applicant or operator shall also provide water source testing for any resident who chooses to have their water source tested initially and/or on the complaint based schedule established above. The water test shall test for a minimum of Barium, Calcium, Iron, Magnesium, Sodium, Alkalinity, Chloride, pH, Total Dissolved Solids, Turbidity, Methane, Ethane, and Propane.
6. Applicant agrees to maintain the 650 feet setback to any preexisting occupied building. The 650 feet setback distance shall be measured from the closest point of the well pad (as determined by the DEP permitted size of the gravel well pad and not the placement of equipment), valve station and wet ponds which are directly connected to the well pad to any occupied building. An occupied building is further defined as a building that is usable for habitation or as a working environment (work happens consistently each week for an excess of 10 hours each week).
7. Applicant agrees to install 10'-12' tall evergreen trees (a mixture of Eastern White pine, Norway, and White Colorado) spaced at 10' on center along the outside of the well pad fence and along the LOD (limits of disturbance) line adjacent to the West side of Wet Pond, approximately 300 linear feet long.
 1. The screening trees along the West side of Wet Pond 1 shall be installed immediately following the installation of the wet pond and prior to any drilling activity commencing.
8. Applicant shall install a fire hydrant within 500 feet of the well pad gate to ensure fire trucks have adequate hose length to extinguish or water the adjacent wooded area in case of a fire.

Mr. Payne will email all the conditions to the Planning Commission members. The Olympus team will be attending the December 16, 2021 meeting where the conditions will be finalized by the Planning Commission.

Workshop discussion:

There was no Workshop discussion.

The December meeting will be on December 16, 2021. It will be conducted both in person and via Zoom. The meeting link will be posted on the web site.