

**WEST DEER TOWNSHIP PLANNING COMMISSION MINUTES**  
**August 24, 2023**

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

Alan Banks, Patrick Stark, Robert Bechtold, Rich Hollibaugh, Jake Oresick, and Mark Schmidt.

Absent Members: None.

Other Attendees:

Dorothy Moyta, West Deer Township Zoning & Planning Dept.

Joseph Shook, Assistant Township Manager, Zoning Officer

Scott Shoup, Shoup Engineering

Gavin Robb, Solicitor

Ashley Clover, 189 McKrell Rd. Subdivision, Owner

Phil Karanovich, Red Swing, Project Manager

Rody Richey, Owner, Graystone Estates

Ryan Dailey, Project Manager, CEC

Taige Rosendal, Acoustical Control, Reg. Acct. Manager, Olympus Energy

Jeremy Burton, Hyperion, VP Engineering Construction, Olympus

Brian Dillemath, Olympus, Regulatory Advisory, Olympus

Blaine Lucas, Olympus Energy

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**Outline and Order of Meeting**

1. Approval of July Minutes
2. 189 McKrell Rd. Subdivision
3. Leto Compressor Station: Conditional Use
4. Leto Compressor Station: Land Development
5. West Deer Planning Commission Bylaws Review
6. Comments/Questions from the Public
7. Comments/Discussion by the Planning Commission Members/Staff/ Adjournment

**Approval of Meeting Minutes**

The July Meeting Minutes were approved with a few corrections. First motion by Mr. Schmidt and second motion by Mr. Banks to **RECOMMEND APPROVAL**; voting was unanimous.

**Order of Business**

Mr. Stark went over how the meeting would be conducted according to the order of business.

## **189 McKrell Rd. Subdivision**

The 189 McKrell Rd. Subdivision was presented by Ashley Clover. The property is “Clean and Green.”

Mr. Shoup went over his dated 8.7.2023 and PVE’s response letter dated 8.7.2023.

1. In reference to Comment #3, are “Non-Building Waivers” still appropriate ? It may not apply. Also, the ACHD must sign off.
2. The 50’ ROW must be a private road. This requires a compliant turn around or a waiver. Either show the turn around or the waiver.
3. This subdivision should likely have a name.
4. An agreement should be developed on maintaining the road.

Additional comments/ questions were as follows:

1. Mr. Banks said Clean and Green” is a 2-acre split.
2. Mr. Bechtold said 10% can go to 1 acre.
3. Mr. Bechtold said that Lot #2 says it’s serviced by public sewage but that’s not shown on the plan. Ms. Clover said that 207 Maple to the right of the property has public sewage and water; going down McKrell, there is public sewage.
4. Mr. Schmidt said that if it’s public sewage, you don’t need a Non-Building Waiver.
5. Mr. Schmidt said that there’s a substantial question as to whether this is Clean and Green.
6. Mr. Banks said that they would need to look at the back taxes.
7. Mr. Robb said that it’s not for the Planning Commission to decide on the Clean and Green status, and the ROW is the more important issue .
8. Mr. Shoup said that the required diameter for a turn-around at the end of the private road is 80’.

First motion by Mr. Schmidt and second motion by Mr. Banks to **TABLE 189 McKrell Subdivision** to the September meeting; voting was unanimous.

## **Leto Compressor Station - Conditional Use and Land Development**

Mr. Bechtold reminded everyone that he must abstain from comment or voting due to a conflict of interest involving employment.

Mr. Lucas said that there will be 3 presenter’s tonight: Mr. Dailey, Rosendal, and Mr. Burton.

Mr. Dailey presented a landscaping plan for the Leto Compressor Station. The plan illustrated vegetation, northern half of site being wooded, significant stand of trees, an island of trees south of the Compressor building, and 53 trees to include white oak, red pine and eastern red cedar.

Additional comments/ questions were as follows:

1. Mr. Banks asked what the Ordinance required for warranty on a tree. Mr. Shoup said 18 months. Mr. Banks said that Hyperion midstream need to adjust the 12 months to 18 months on their documents.

2. Mr. Banks asked about the trees along the entrance road to the Leto Well. He continued that Hyperion Midstream is presenting the well and Compressor as 2 different things but we need to review this in its entirety so that we can see how the landscaping buffers the neighbors to the southwest. Is there an opportunity to see a landscaping plan with the Leto Well and the compressor combined ?

Mr. Rosendal went over the sound study. There were 2 sound studies presented: with and without the generator. He showed a graphic presentation with data points at 47 different locations. (There was some confusion as to where the data points were in reference to actual resident homes.) Mr. Rosendal said that the sound study takes in account all the equipment that will be used at the compressor. The decibels at Receiver #11 goes from 47.1 decibels without the generator to 49 decibels with the generator. (There is a slight increase to the East.) The generator runs for 1 hour per week

Mr. Dailey went over some of the higher traffic levels which is based on trucking all water. It would be 10-15 trucks in and 10-15 trucks out per day.

Mr. Shoup went over his letter dated 8.18.2023. Points included the question as to whether there is a second building. If so, there is a building permit required.

### **Comments/ Questions from the Public**

1. Tim Resciniti of 1006 York Way asked whether the Planning Commission had gotten to visit a Compressor site. Also, he questions whether the structures within the Clean Streams Foundation site are being taken into consideration. Mr. Resciniti also wants to know why Olympus said that they didn't need a compressor and now they do need a compressor.
2. Victoria Austin of 19 Hemlock St. wants to know how the Compressor is being evaluated in reference to distance versus the Leto Well. IE 1200' vs. 600'.
3. Mary K. Kalivoda of 702 Crystal Ct. questioned the data that was used for the sound study. She also asked if the gas at the site would be odorized in light of the recent explosions in Plum.

Some Comments, Questions, and Answers were as follows: (*Answers and remarks in italics.*)

1. Mr. Stark said that they were never contacted about their request to visit a Compressor Site and as such they've not visited a Compressor site.
2. Mr. Stark said that whether or not the structures on the Clean Streams parcel qualify as buildings is being litigated now. The definition of a building under the ordinance is what is in question.
3. Olympus said that they made it clear in the Public Hearings that they may need a compressor.
4. Mr. Burton said that the scenario would dictate what the emergency response would be in reference to the evacuation zone. Also. The Township has dictated all the setback distances.

5. In respect to the question as to whether the sound study data was taken from an actual compressor site, Mr. Rosendal said that the data was taken from the equipment that will be used on the site.
6. In reference to odorizing the gas, Mr. Rosendal said that Eastern gas will not allow odorized gas at the entrance to the pipeline. Gas and ethane monitors and detectors are used both inside the buildings and on the perimeter of the site.
7. Mr. Schmidt asked whether detention ponds discharge to local streams. Mr. Burton said that they go through rip rap and then into streams. Mr. Schmidt was not sure that they should discharge into streams,
8. Mr. Schmidt asked if there would be a developer's agreement. Mr. Robb said yes.
9. Mr. Hollibaugh asked how compressors would be needed. Mr. Burton said 2: the maximum is 2.
10. Mr. Hollibaugh asked if the sound study included 1 or 2 compressors.
11. Mr. Hollibaugh asked if there would be a site visit to a compressor. Mr. Dailey said that they are currently building a compressor site; perhaps it would be ready to tour in October.
12. Mr. Hollibaugh asked where the homes are located in the graphic that Mr. Rosendal showed. It was said that receiver #9 is at the end of Hemlock St. and the compressor is 1204' from the Dollar Store.
13. Many commented that the graphic was too cluttered and the graphic didn't show where all the resident homes were located.
14. Mr. Schmidt asked if the properties located on the graphic were monetarily benefitting from the Leto Well.
15. Mr. Hollibaugh asked what is the Lifespan of a Compressor station ? Mr. Dailey said 50 years.
16. Mr. Schmidt asked when construction of the Compressor station would start. Mr. Dailey said 2028.
17. Mr. Hollibaugh stated that it appears that the Supervisors will vote on the interconnect on 9.20.2023 and they will start the public hearings on 9.26.2023.
18. Mr. Banks said that Olympus needs to show how all the various pieces (Leto Well, Interconnect, Pipeline, Compressor, and Tyche Well) are connected; a big overall picture needs to be shown. Otherwise, the Supervisors will be voting in a bubble. There are environmental impacts that are not shown now as each of these parts are being looked at separately.
19. Mr. Schmidt wants to have a sound study by an outside agency. Mr. Hollibaugh agreed.
20. Mr. Stark said that it appears that a site visit to a Compressor station is no longer an option with the schedule imposed.
21. Mr. Hollibaugh feels that there are still a number of things that needs to be discussed.
22. Mr. Robb said that some of the conditions for the Leto Well may be able to be incorporated into the Compressor conditions. .
23. 2 Conditions tallied about were the 3<sup>rd</sup> party sound study, Mr. Banks's request for an overall picture of all the pieces. (Leto Well, Interconnect, Pipeline, Compressor, and Tyche Well), the detention pond, and the number of compressors. (The Application is for 2)

24. Mr. Schmidt asked if there was a noise violation would the compressor be shut down ?  
Mr. Dailey said that the violation would be investigated.
25. Mr. Hollibaugh was concerned about the sound at the resident's home; what insurance do they have / Mr. Lucas said that the Ordinance is the sound at the property line, not the home.
26. Mr. Lucas suggested that the Planning commission write a condition for a maximum of 2 compressors.
27. Mr. Schmidt reminded everyone that this is for Conditional Use and Land Development.
28. Mr. Hollibaugh thought that No motion means denied,
29. Mr. Robb said the Planning Commission's roll is to evaluate the Application.

**No Motions** were made by the Planning Commission in reference to the **Leto Compressor Station: Conditional Use & Land Development**. Let the record show that no motions were made.

### **Old Business/ Discussion**

Comments, Questions, and Answers were as follows:

1. Mr. Stark asked if important comments, and information on decisions made by the Board of Supervisors could be relayed to the Planning Commissions. Mr. Shook said that he could do this relaying.
2. Mr. Hollibaugh asked if the Planning Commission could see the resumes and applications for the 2 new members.

### **West Deer Township Planning Commission Bylaws**

Discussion ensued regarding the West Deer Township Planning Commission Bylaws. Some Comments, Questions, and Answers were as follows:

1. All recommendations for new / amended by-laws should be sent separately to r. Shook. Do not copy all of the Planning Commission on your email.
2. Mr. Stark would like to see all the by-laws typed up.
3. Mr. Schmidt would like to see verbiage for attendance.
4. Right to Know information should be included.
5. The Township email address should be included.

First motion by Mr. banks and second motion by Mr. Oresick to **TABLE the West Deer Township Planning Commission Bylaws** to the September meeting; voting was unanimous.

### **Adjournment**

First motion by Mr. Bechtold and second motion by Mr. Hollibaugh to **ADJOURN THE MEETING**. Voting to adjourn was unanimous.

The September Planning Commission meeting will be on September 28, 2023. The meeting time and agenda will be posted on the web site.