

WEST DEER TOWNSHIP PLANNING COMMISSION MINUTES
October 26, 2023

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

Alan Banks, Rich Hollibaugh, Jake Oresick, Mark Schmidt, Dan Maltese, and Patrick Stark.

Absent Members: Robert Bechtold.

Other Attendees:

Dorothy Moyta, West Deer Township Zoning & Planning Dept.

Scott Shoup, Shoup Engineering

Gavin Robb, Solicitor

Adam Akexandrunas, Owner, Alexandrunas Plan of Lots

Ryan Dailey, Project Manager, CEC

Melissa McCarthy, Olympus Energy, Legal Advisor

Keith Miller, Olympus Energy, Traffic

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

Jeremy Burton, Hyperion, VP Engineering Construction, Olympus

Brian Dillemath, Olympus, Regulatory Advisory, Olympus

Anthony Miller, Olympus, Drilling Completion Manager

Blaine Lucas, Olympus Energy, Attorney

Outline and Order of Meeting

1. Approval of September Minutes
2. Alexandrunas Plan of Lots: Subdivision
3. Tyche Well Pad and Associate Pipeline: Conditional Use
4. Tyche Well Pad and Associated Pipeline: 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 September Meeting Minutes were approved with some corrections; strike Note #7 on Page 3. Correct typos on pages 2 and 6. First motion by Mr. Hollibaugh and second motion by Mr. Schmidt to **RECOMMEND APPROVAL WITH CORRECTIONS DISCUSSED**; voting was unanimous.

Alexandrunas Plan of Lots

The Alexandrunas Plan of Lots Subdivision was presented by Mr. Alexandrunas. He wants to put a single-family home on the parcel that he uses for his event business so he's had to do a subdivision. He met with Jason Dansak of the ACPD and the septic is in order.

Mr. Shoup of Shoup Engineering went over his review letter dated 10/20/2023. Aside from some clerical errors and receipt of the sewage module, the main issue is the needed 50' front setback.

There was no public comment.

Comments from the Planning Commission Members/ Others were as follows:

1. Mr. Hollibaugh felt that the issue might be solved by creating a driveway across the 25' access easement and moving the carport.
2. Mr. Schmidt felt that the easement could be along sandy Hill Rd. Also, he felt that the best-case scenario would be to seek a modification from the Board of Supervisors.
3. Mr. Robb asked whether there was a recorded easement. *Mr. Alexandrunas said yes for the front and access.*
4. Mr. Robb asked whether Mr. Alexandrunas wanted to go back and modify the plan or whether he wanted action tonight. *Mr. Alexandrunas wanted action on the decision tonight.*
5. Mr. Schmidt said that the modification must be in writing. Alex asked who he should send the request to. *Mr. Shook said to send the modification to Ms. Moyta.*
6. Mr. Schmidt said the reason for modification to Lot 1 is that there can be no further subdivision unless frontage is provided.

First motion by Mr. Schmidt second motion by Mr. Banks to **RECOMMEND TABLING UNTIL THE NOVEMBER MEETING**, voting was unanimous of the Alexandrunas Plan of Lots with following conditions:

1. Applicant provide Request for Modification due to hardship.

Tyche Well Pad and Associated Pipeline: Conditional Use and Land Development

Mr. Maltese 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 presenters tonight: Ryan Dailey for the sound wall, Keith Miller for traffic impact, and Taige Rosendal for sound.

Mr. Dailey showed drawing C-200 to show the 40' High Sound Wall around the perimeter. Also, there was a revised stockpile location to the East.

Mr. Miller went over the Haul Route: Rte. 79 to Rte. 910 to Oak rd. to Bairdford Rd, and then North to 201 Bairdford Rd. 8 intersections were studied. Updates were made in September due to updated traffic counts.

8 Intersections were studied. Turn lane options were studied due to increased traffic needs. Penn DOT is unlikely to approve turning lanes for temporary situation. Also, PennDOT will likely not approve a traffic signal for a temporary situation. The study findings and recommendations were for flagging and a temporary traffic signal. 4 locations on Bairdford Rd. were recommended for widening. At the Tyche driveway, a stop sign was recommended for the westbound approach.

Comments included:

1. Mr. Lucas said that would look at putting a temporary traffic signal at the Bairdford Rd./ Oak Rd./ Bryson intersection. During peak hours which would generate an extra 45-60 trips during peak hours. Also, PennDOT does not require a traffic study for well pads. 25' is the average width of road lanes that they use. Lanes vary from 22' to 31'. 2 trucks travelling in opposite directions need 62' to pass each other.
2. Mr. Robb said that the Township engineers haven't had time to review the traffic study done.
3. Mr. Schmidt would like to see a study by the Township traffic engineer. He thinks that traffic signal at the Oak Rd./ Bairdford Rd. intersection is warranted.
4. This traffic study is based on 100% of water being trucked in. Olympus is still looking at piping water in to the Well Pad.
5. Mr. Banks said that this water truck haul route goes through Richland, Pine and Marshall Townships. Have any of those Townships been notified and have respective School Districts and daycares been notified to coordinate schedules ? *Mr. Lucas said that they have coordinated with those entities.*
6. Mr. Schmidt asked if the accidents that have happened at the Oak Rd. and Bairdford Rd intersection been looked at and considered in the traffic study.
7. Mr. Hollibaugh asked if alternate routes were studied. *Mr. Miller said that this was the safest route found.*
8. Mr. Hollibaugh asked how road bonding was handled. Mr. Lucas said that it depends on whether it's a County or State Rd.

Mr. Rosendal talked about sound and acoustical issue. He oversees well pad operations in the Northeast and Canada. He does noise monitoring and impact assessments. He has taken the acoustical data, placed it into the program to determine noise levels. It includes generators, drill rigs, and trucks. 28 receivers on the Tyche site generated between 40-50 decibels. The study was completed with a 40' high sound wall. Normal conversation is 60 decibels.

Comments included:

1. Mr. Schmidt asked what was the density/ rating of the sound wall. Mr. Rosendal said it was STC 34; normal rating is 32 STC.
2. Mr. Robb asked when the sound wall will go up and how long the wall will be left in position. *Mr. Rosendal said that the wall will go up 9-12 months before drilling and will stay up as long as 5 years.*

3. Mr. Schmidt asked whether Olympus takes the wall down between drilling sequences.
Mr. Rosdendal said no, they leave the walls in place.
4. Mr. Lucas said the sound walls are leased.
5. Mr. Rosdendal said that the walls are a tan color.

Comments/ Questions from the Public

1. Victoria Austin of 19 Hemlock St. says that 23 trucks in and 23 trucks out per hour is 1104 trucks per day. Hemlock St. and Center St. residents use Bairdford Rd. to walk to Bairdford Park. There is lots of foot traffic by children. In addition, there are several new housing communities being planned in West Deer township: Oakwood Hts. 2.: 77 Homes, Kingston: 45 Homes, and Rose Ridge: 246 Homes. That's 368 new homes in the community.
2. Tim Resciniti of 1006 York Way said that the applicant is forcing a decision before the Hearing and the Planning commission hasn't had a chance to look over the traffic study. Also, he feels that a left turning lane is warranted at Rte. 910. Bairdford Rd. residents need to cross Bairdford Rd to get their mail and he recommends a crosswalk. Mr. Resciniti urges the planning commissions to recommend conditions to keep the public safe.
3. Jim Shuey of 147 Bryson Rd. said that the intersection at Oak, Bairdford and Bryson is a hectic intersection. Why couldn't the Haul Route use Oak Rd ? This would avoid going past a lot of homes.
4. Paul Mitsch of 1248 Nicklaus Way see that the traffic study was dated Thursday, sept 28. What day of the week was the traffic study conducted ? Were berms and overall condition of roads taken into consideration ? Why one day for the traffic study ? One day is not representative of traffic overall. We don't know what PennDOT would approve. He doesn't consider 10 years temporary. Why not consider Bairdford Rd. to the red belt for the Haul Route ? Regarding the sound wall, are there any construction details available ? Are there any facilities similar to the Tyche Well pad that can be toured ?
5. Marcia Brissett of 37 Corbriwood Lane said that each item is being looked at separately and that they are not looking at everything together. The sum is greater than the parts. She asks the Planning Commission to consider the wellbeing of the community when making decisions.

Comments/ questions were as follows:

1. Mr. Lucas asked Mr. Resciniti where he would place the crosswalk on Bairdford Rd. Mr. Resciniti said that the crosswalk would be useful to safely allow people to go to the Post Office as Bryson, Bairdford, and Oak roads is a bad intersection.
2. Jo Resciniti suggested temporary crossing walk lights.
3. Mr. Lucas said that Olympus knows there are some bad intersections and that they will work with this.
4. Mr. Lucas said that they haven't considered using Middle Rd. Extension for a haul route as this was dismissed with Dionysus as being too dangerous a road for truck travel.
5. Pail Mitsch suggested using Bairdford Rd. and Bakerstown Rd.

6. Mr. Miller said that there are no glaring conditions regarding the pavement on Bairdford Rd.
7. Mr. Stark said that Olympus provided details for the sound wall.
8. Mr. Stark asked Olympus where else they have installed sound wall. Mr. Miller said Elizabeth Twp., Washington County, and Upper Burrell Twp.
9. Mr. Schmidt asked Mr. Robb if they are looking for a decision tonight.
10. Mr. Schmidt asked if they could keep the Hearing open till the next Planning Commission Meeting. Mr. Robb said no that a decision must be rendered by the end of the year.
11. Ms. Nelko said that they will have the Township traffic study by November 6th from Mr. Goetz.
12. Mr. Mitsch said that it looked like the Planning Commission was being forced to make a decision tonight.
13. Mr. Stark said they could recommend or not recommend based on evidence presented.
14. Mr. Oresick asked if a motion to not recommend is a denial
15. Mr. Stark said that by not making a recommendation, they lose the ability to make conditions.
16. Mr. Robb suggested that the Planning Commission carry over the conditions from the Leto Well Pad with edits as necessary, using those conditions that are universal and applicable.
17. The Conditions put forth for the Leto Well Pad were discussed.
18. Mr. Lucas said that the contents of the water trucks are governed by the DEP. Fracked water is also carried by some trucks and is appropriately placarded.
19. Controlling sound levels and noise complaints were discussed.
20. The first public hearing for Tyche will be November 9th.

First motion by Mr. Banks and second motion by Mr. Hollibaugh to **RECOMMEND TABLING of the Tyche Well Pad and Associated Pipelines to a Special November 8th Meeting**, voting was unanimous of the Tyche Well Pad and Associated Pipelines: Conditional Use & Land Development.

West Deer Township Planning Commission Bylaws/ Issues

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

1. Mr. Stark would like to see comments from the Supervisors under Article VII: create new item D. Also, under Item E. New Business needs to be broken down.
2. Planning Commission minutes should be given to the Supervisors for review.
3. Mr. Shook is continuing to update the bylaws.
4. "Conflict of Interest" needs to be defined.
5. Proper use of gender needs to be defined and properly noted in the bylaws.

First motion by Mr. Banks and second motion by Mr. Maltese to **APPROVE CHANGES DISCUSSED OF the West Deer Township Planning Commission Bylaws** to the November meeting; voting was unanimous.

Public Comment

1. Paul Mitsch of 1248 Nicklaus Way asked how and if West Deer Township is benefitting from the Gas Well. Mr. Robb said that there are property rights and people are able to develop their property as long as they follow the Ordinances put forth by West Deer Township. Paul looked into mine subsidence insurance and said that it's very expensive. Mr. Mitsch was also concerned about property values.
2. Roth Stump of 7011 Middle Rd. had many concerns about the wells including safety.

Adjournment

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

A special meeting will be held on November 8, 2023 to discuss the Tyche Well pad and Associated Pipelines: Conditional use and Land Development. The November Regular Planning Commission meeting will be on November 30, 2023. The meeting time and agenda will be posted on the web site.