

WEST DEER TOWNSHIP PLANNING COMMISSION MINUTES
September 28, 2023

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

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

Absent Members: None.

Other Attendees:

Dorothy Moyta, West Deer Township Zoning & Planning Dept.
Sandy Nelko, Shoup Engineering
Gavin Robb, Solicitor
Ashley Clover, 189 McKrell Rd. Subdivision, Owner
Greg Jones, 189 McKrell Rd., Surveyor, PVE
Phil Karanovich, Bon Tool Red Swing, Project Manager
Jon Bongiovanni, Bon Tool, Owner
Brett and Gina Schaltenbrand, 4347 Clendenning Rd., Property Owners
Ryan Dailey, Project Manager, CEC
Melissa McCarthy, Olympus Energy, Legal Advisor
Taige Rosendal, Acoustical Control, Reg. Acct. Manager, Olympus Energy
Jeremy Burton, Hyperion, VP Engineering Construction, Olympus
Brian Dillemoth, Olympus, Regulatory Advisory, Olympus
Anthony Miller, Olympus, Drilling Completion Manager
Blaine Lucas, Olympus Energy, Attorney

Outline and Order of Meeting

1. Approval of July Minutes
2. 189 McKrell Rd. Subdivision
3. Bon Tool Warehouse Expansion – Land Development
4. 4347 Clendenning Rd.: Conditional Use: Overnight Lodging/ Private Events
5. Tyche Well Pad and Associate Pipeline: Conditional Use
6. Tyche Well Pad and Associated Pipeline: Land Development
7. West Deer Planning Commission Bylaws Review
8. Comments/Questions from the Public
9. Comments/Discussion by the Planning Commission Members/Staff/ Adjournment

Approval of Meeting Minutes

The July Meeting Minutes were approved with a correction; strike line #29 on Page 5. First motion by Mr. Hollibaugh and second motion by Mr. Bechtold to **RECOMMEND APPROVAL**; voting was unanimous.

189 McKrell Rd. Subdivision

The 189 McKrell Rd. Subdivision was addressed by Greg Jones. He addressed Mr. Shoup's comments and said that he had discussed all issues with Mr. Shoup.

Comments were as follows:

1. The Sewer Module which was sent to the Township needs to be signed by Daniel Mator.
2. A copy of the Private Road Maintenance Contract was received
3. Mr. Bechtold asked why they needed to have a non-building waiver as public sewage is available.

First motion by Mr. Banks and second motion by Mr. Bechtold to **RECOMMEND APPROVAL**, voting was unanimous of the 189 McKrell Rd. Subdivision Plan with the following conditions:

1. Satisfy all comments in the Scott Shoup Engineering letter dated 9.13.2023.
2. Receipt of "Request for Planning & Non-Building Declaration."

Bon Tool Warehouse Expansion - Land Development

Mr. Stark said that Red Swing's response letter was received rather late and he asked Mr. Karanovich to go over the responses.

Mr. Karanovich went over the responses and went over the 9.26.2023 updated plans.

Additional comments/ questions were as follows:

1. Mr. Banks said that there was a net loss of 2 trees on the last plan. Mr. Karanovich said that they replaced the two trees. .
2. Mr. Banks said that the tree warranty needed to be changed to 18 months to comply with the Ordinance.
3. Mr. Hollibaugh asked if they had complied with all architectural standards in the Ordinance. Mr. Karanovich said yes.
4. Mr. Hollibaugh said that these points should be addressed before the Supervisor's meeting. Ms. Nelko said that Mr. Shoup will do an updated letter.
5. Mr. Schmidt asked if they had addressed the additional sewage needs. Mr. Bongiovanni said that although they were putting new toilet rooms in, they had no additional employees and sewage needs were unaffected.

First motion by Mr. Schmidt and second motion by Mr. Oresick to **RECOMMEND APPROVAL**, voting was unanimous of the Bon Tool Warehouse Expansion – Land Development with the following conditions:

1. Satisfy all comments in the Scott Shoup Engineering letter dated 9.20.2023.
2. Update Tree Warranty to comply with Zoning Ordinance.

4347 Clendenning Rd.: Conditional Use- Overnight Lodging/ Private Events

Brett and Gina Schaltenbrand presented the project. They bought the property about 5 years ago and have been using it for family events and gatherings. There is a large outdoor space and they would like to rent out the property for events as a short-term rental. There is additional offsite parking across Clendenning Road at 4348 Clendenning Rd. The Schaltenbrand's own the 87-acre property there.

Comments/ questions were as follows:

1. Ms. Nelko asked whether the owners lived at the property. Mr. Schaltenbrand answered no and that is why they didn't present this as a Bed and Breakfast.
2. Mr. Schmidt said this is a short-term rental.
3. Mr. Bechtold asked what kind of events take place at the property. Mr. Schaltenbrand said the house sleeps 45 people and so events could be 45 people with parking for 20 cars.
4. Mr. Bechtold asked where the parking was located.
5. Mr. Robb said that the application was for a Bed and Breakfast. He advised that the Schaltenbrand's apply to the Zoning Hearing Board for a use Variance.
6. Mr. Hollibaugh asked if this could be an Air BNB ? What is the difference between a Bed & Breakfast and an Air BNB ? Mr. Robb said that in a Bed & Breakfast, the Owner must live on the property.
7. Mr. Stark asked if anyone wanted to make a motion.
8. Mr. Robb said it would be best if an extension was obtained and the matter was tabled until the Schaltenbrand's can-do further research.
9. Ms. Moyta will email a variance application to Brett Schaltenbrand.

First motion by Mr. Hollibaugh and second motion by Mr. Banks to **TABLE** , voting was unanimous of the 4347 Clendenning Rd.: Conditional use – Overnight Lodging and Events.

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

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

Mr. Lucas said that the Tyche Well Pad and Associated Pipeline is a Conditional use for an Unconventional Deep well Site in an R-1 Zone. There will be 7 Wells with an additional 7 Wells in the future. The pipeline will run south to connect to the Leto Well Pad site.

Ms. McCarthy said that the traffic study and sound/ acoustical study will be presented at the October Planning commission meeting.

Mr. Dailey presented a site plan for the Tyche Well Pad and Associated Pipeline. The Well pad is 1300' West of the Golf club and Golf Course, 2300' Northwest of the homes along Kaufman Rd., 935' Northeast of the Williams house (251 Bairdford Rd.), 1000'- 1110' East of houses along Bairdford Rd., 840' East of the house on the parcel, and 1100' Southwest of the Links plan to the North.

The Pipeline route to the Leto Well traverses 4 parcels and the properties of 3 property owners. Owners include: Donald Podczerwinski, Ralph and Berdella Williams, and Tricia Gizienski.

2 pipelines will run side by side.

Mr. Dillemath showed the Haul route. It goes from Gibsonia Rd. (Route 910) to Oak Rd. and onto Bairdford Rd.

Mr. Dailey showed the Site Plan on Drawing C-500. The entrance road is 24' wide. The first 1500' are paved; the remainder is gravel. There is a 12' gravel truck pull-off. The Well Pad is 260' wide x 690' long. There is a 2' earthen berm. The E & S Stormwater plan is currently under review by the DEP. There is a rain garden near the entrance to control rainwater. There is a managed release of stormwater. There is no reuse of stormwater. The site is surrounded by a 6' high chain link fence; EMS/ First responders will have gate access. Lighting is on 20' high poles pointing inward and down. There will be sound walls around the Well pad that are taller than 20'. The rigs will have lighting at the top of the rig during construction. There is no permanent lighting on the site. There is a 35' height limitation for structures on the site. The temporary drill rigs will exceed the 35' Height limitation.

Mr. Schmidt said that the structure to the east of the Well pad is a residence, not part of the Golf club.

Mr. Miller talked about the schedule for construction and production. Well Pad Building Construction will start in the 4th quarter of 2025 and be completed in 2026. Production starts in June 2030 and will be completed in April 2031. Pad Construction will start in the 4th quarter of 2024.

Mr. Miller said that Olympus is looking at water agreements with Shaler, Oakmont, and Richland. The traffic study assumes that water will be trucked.

Comments/ Questions from the Public

1. Jo Resciniti of 1006 York Way said that her biggest concern is the Haul Route. She has recently taken a closer overview of these roads while teaching her daughter to drive. There are no berms on those roads and the Oak Rd, Bairdford, Rd., Bryson Rd. intersection is very dangerous.
2. Tim Resciniti of 1006 York Way echoed the concerns with the haul Route and the conditions of the roads.

3. Victoria Austin of 19 Hemlock St. wants to know how many trucks per day will be on the roads with 7 wells. There was over 1000 per day with the Leto Well. There is no berm on the roads. Also, is there an evacuation Plan ?
4. Jim Shuey of 147 Bryson Rd. asked that if water is being piped in for the Gas Wells, would Olympus consider bring public water lines in for residents that are now using well water.
5. Yvonne Hutchinson of 425 Bairdford Rd. is concerned about the bad curves on Bairdford Rd. Also, she was not aware that all 14 Wells can be drilled on one Well Pad.
6. Roth Stump of 7011 Middle Rd. asked that if the proposed 5 wells for the Dionysus Well produced 1000 trucks per day, would the 7 Wells with Tyche produce 1400 truck trips per day. ill was concerned about all the undermined parcels in West Deer township and wondered if that was being taken into consideration with the proposed fracking.
7. Lorraine Shey of 147 Bryson Rd. is concerned with the dangerous intersection at Oak Rd. and Bryson Rd. that is on the Haul Route.
8. Albert Salinski of 1511 Palmer Way is concerned about all the undermined parcels in West Deer Township and wondered if that was being taken into consideration with the proposed fracking.
9. Julie Arsenault of 61 Lick Rd. is asking to run pipelines for public water on Lick Rd. .

Comments/ questions were as follows:

1. Mr. Stark asked Olympus to clarify the number of trucks that will be on the roads per day. Mr. Lucas said that regardless of the number of wells, truck traffic is based on peak hours. The answer to piped in or trucked in water is not yet resolved.
2. Mr. Lucas said that they will elaborate on the evacuation plan at the October meeting.
3. Mr. Stark asked about the concerns with the existing coal mines and fracking. Mr. Dillemath said that a Geo report was submitted and there are no concerns.
4. Mr. Schmidt asked why there will be 2 pipelines side by side. Mr. Dillemath said that the older wells have lower pressure so they need the additional line.
5. Mr. Schmidt asked if they will need to have a Compressor for the Tyche Well. Mr. Dailey said no – they will use the Compressor at the Leto Well pad site. Mr. Miller said not at this time.
6. Mr. Hollibaugh asked if Olympus has a master plan for fracking in West deer Township. Mr. Dailey said that this is all that they have at this time.
7. Mr. Schmidt asked if there will be lighting plans. Mr. Dailey said no.
8. Ms. Nelko asked if CEC will show the Sound Walls. Mr. Dailey said that they will be placed around the perimeter of the Well Pad.
9. Mr. stark asked if there will be any details of the sound wall.
10. Mr. Schmidt said that it’s important to see what the sound walls look like.
11. Mr. Hollibaugh asked when CEC started working on the Tyche Well pad. Mr. Dailey said about a year ago.
12. Mr. Hollibaugh asked if there were any plans for a compressor at the Tyche site. Mr. Dailey said that the Compressor at the Leto site should be able to handle the load.
13. Mr. Banks asked what kind of disturbance the temporary water lines across the properties would create. Mr. Dailey said that the Water Authorities haven’t agreed on the route. Mr. banks said that he would like to see the route.

14. Mr. Hollibaugh asked if Tyche would be the last well or if there are others on the way. Mr. Dailey said that the 14 wells on Tyche should be the last for Olympus.
15. Mr. Stark reminded everyone that Gas Wells are permitted by the DEP.

First motion by Mr. Banks and second motion by Mr. Schmidt to **TABLE**, voting was unanimous of the Tyche Well Pad and Associated Pipeline: Conditional Use and 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. There was a recommendation for including language regarding Conflicts of Interest within the Code of Ethics.
2. Mr. Hollibaugh wanted to discuss the order of business.
3. The updates from Mr. Shook were looked over and discussion ensued.
4. Mr. Stark will continue to send all updates to Mr. Shook.
5. Article VII; Section 4 was highlighted.
6. Mr. Banks would like to see a summary of emails sent. He would also like to see a project review outline.
7. Planning Commission members would like to see all communication go through the Township; members don't want to use their company or personal emails.
8. Mr. Robb said that that Planning Commission members should not be discussing Township matters in a quorum or group through emails or other meeting devices.

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

Public Comment

Paul Mitsch of 1248 Nichlaus Way said that the Planning commission was not pushing Olympus to answer questions surrounding the Tyche Well pad and Pipeline. He said that there were lots of questions that were left unanswered during the tonight's Planning commission meeting. . Also, he asked about looking at the Geotechnical Report for the Tyche Well. The report is available in the Zoning and Planning department.

West Deer Township Zoning Ordinance Update

There was some discussion about short-term rentals being eliminated in the new Zoning ordinance. There is some question as to when the updated Zoning Ordinance will be voted to be advertised and when public hearings will ensue.

Adjournment

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

The October Planning Commission meeting will be on October 26, 2023. The meeting time and agenda will be posted on the web site.