

## **2023 PLANNING COMMISSION ANNUAL REPORT**

### **Accomplishments /Action**

The Planning Commission once again discussed and worked on a variety of issues in 2023 that exceeded their normal duties and functions. The main issues the Planning Commission worked on were:

1. The Planning Commission and the Township Planner/Engineer LSSE continued work on updating the Comprehensive Plan with input from stakeholders.
2. The Planning Commission worked throughout 2023 on revisions / additions to the current code including: demolition, street opening and driveway, small cell tower, and cryptocurrency ordinances.
3. Discussion continued regarding short-term rentals / tiny homes, accessory structures, and shipping containers.
4. The Planning Commission will continue to work with the Municipal Authority and the Township Supervisors to encourage the expansion and development of water and sewage services in the Township.
5. The Planning Commission will continue working on the encouragement of both business and residential developers to look at New Sewickley as a source for future areas of development. The Commission will consider the effect of development on our residents and the need to balance the needs of our residents with the need of development to ensure a future of continued growth for the Township.

### **Regular Meetings**

#### **January 2023**

#### **Reorganization**

The Planning Commission appointed the following officers for 2023:

- Chairman – Albert Horn
- Vice-Chairman – Ed Eisenbrown
- Secretary – Jenny Fessler

### ***Opening Comments***

#### **Planning Commission Appointments**

Chairman Horn stated the Board of Supervisors approved the reappointment of Gary Braun and Art Craig for another four-year term.

### **Alcoholic Beverages Ordinance**

Chairman Horn stated the Board of Supervisors looked over the proposed Ordinance and it did not pass with a 2-2 vote. It will be up to the Board if they wish to vote again.

### **DEP Letter to Township on Meadow Crest Development**

Chairman Horn stated the DEP denied the Weaver Homes application (Component 3) for a development on Klein Road. Ms. Shelly explained that the application was denied and they have the option to provide additional material and resubmit.

Chairman Horn asked Manager Leindecker what happened with the request from the owner of Al's Pizza Food Trailer. Manager Leindecker stated the Board of Supervisors voted to give him permission to remain at the location for 14-day periods.

### ***Old Business***

#### **Comprehensive Plan Funding**

Jason Dailey, Grass Roots Solutions, was not available to attend the meeting. Manager Leindecker explained he works with the STAMP program and DCED will provide funding towards the comprehensive plan, but that funding will not be available until July.

Ms. Shelly said LSSE will work with Grass Roots and requested a meeting with Mr. Dailey and Manager Leindecker prior to the February Planning Commission meeting for clarification on what the funds can be used for.

#### **Comprehensive Plan Updates**

Ms. Shelly stated that she would like to begin sending out the stakeholder letters with the contact information we have currently. She will work with the Township office staff to begin the process.

The updated maps were reviewed. Tatko's Auto Salvage, Young's Custard Stand and Cycle Recyclers will be added.

Discussion continued over the wording on the description of community.

### ***Ordinance Review***

#### **Cryptocurrency Ordinance**

Ms. Shelly sent the ordinance to Solicitor Reese for his comments and will follow up next week.

#### **Noise Ordinance**

Ms. Shelly sent a draft ordinance for review to begin discussion. The ordinance was also sent to Larry Hough and his comments will be incorporated into the ordinance. After Mr. Hough's comments are incorporated, the Commission will review and make comments.

### **Street Opening Ordinance & Driveway Detail**

Ms. Shelly explained the street opening and driveway detail are two separate things. The street opening is specific to work on the street where an opening will occur and involves utility work. The driveway detail is to update the current general driveway ordinance. Ms. Shelly stated she feels both are ready to recommend to the Board of Supervisors unless the Commission has any amendments to either.

Discussion occurred and Ms. Shelly will bring both ordinances back for the February meeting and will be separated to show the current driveway ordinance.

Ms. Shelly stated the guiderails and barriers should be added.

Member Craig expressed concerns on the drainage tile section and feels it is written in a way that would require a resident putting in a standard driveway or fixing a drainage problem to secure a street opening permit. The street opening ordinance needs to be clear on when a permit is required. Discussion continued. Ms. Shelly will get further clarification and report back at the February meeting.

### **Demolition Ordinance**

Ms. Shelly spoke to Shawn Wingrove and Kevin Brett and they stated that demolition of a building falls under the PA UCC (Uniform Construction Code). The Township would need to have a historic district to have any type of historical demolition ordinance. Ms. Shelly will provide a memo with an explanation that can be given to the Board of Supervisors.

### ***Discussion***

#### **Proposed Zoning Concept**

An idea for an additional zoning district was submitted for the Planning Commission to review and consider. It is the recommendation of Ms. Shelly to wait for the completion of the Comprehensive Plan update. She stated the purpose of the plan is to determine where development would and would not work in the Township and if any changing or additions need to be made to the zoning districts. Chairman Horn stated that unless any of the Commission members had concerns, they would table any discussion on the zoning districts until the comprehensive plan update is complete. The members agreed.

### **February 2023**

#### ***Opening Comments***

#### **Public Comments**

Neil Bonzo questioned the level of commitment required to being a stakeholder.

Member Phipps stated he was approached by someone who felt the Planning Commission was spending too much time working on ordinances when there are already so many in place. Mr. Phipps referenced articles pertaining to problems municipalities are having with crypto mining and wanted to defend the Planning Commission and the work they do in the best interest of the Township and all of its residents.

### **Annual Report**

A motion was made to accept the Planning Commission Annual Report for submittal to the Board of Supervisors.

Chairman Horn explained that Jenny Fessler would act as the liaison between the Commission and the Board of Supervisors, and requested Ed Majors take on the responsibility of preparing the 2023 Annual Report to the Board.

Chairman Horn stated the Grass Roots meeting would be held on March 14<sup>th</sup> at 5:30 p.m.

### ***Preliminary Plans***

#### **Mildred Teets Subdivision Plan No. 3**

Samantha Sharpless submitted plans for a lot line revision. The Commission reviewed the plan and the response from LSSE. The checklist was reviewed and the missing items noted.

The Mildred Teets Subdivision Plan No. 3 was approved contingent upon the corrections noted by LSSE, the utility right away marked, and Lot 1 being described.

### ***Old Business***

#### **Comprehensive Plan Updates**

Ms. Shelly stated she has received 18 responses to the stakeholder requests. She will update the survey and feels it is ready for a final review from the Commission and also a review by the stakeholders.

### ***Ordinance Review***

#### **Cryptocurrency Ordinance**

Ms. Shelly sent a draft to Solicitor Reese for review and received his comments. She will make the additional updates and put it into correct format for approval at the March meeting.

Amanda Peterson of Penn Energy requested to review the draft ordinance and be able to provide comment prior to sending to the Board for approval.

Discussion continued on the noise section of the ordinance. Ms. Shelly will make the corrections and send to Solicitor Reese for review and possible approval at the March meeting.

### **Noise Ordinance**

Ms. Shelly submitted a revised draft along with notes and edits from Larry Hough for review and discussion. Ms. Shelly will submit a clean copy for the March meeting for review.

### **Street Opening Ordinance & Driveway Detail**

Revisions were made based on the concerns Art Craig presented. Ms. Shelly will provide a revised update for approval at the March meeting.

### **Demolition Ordinance**

Chairman Horn stated there are demolition regulations in the PA UCC which the Township follows. As long as that continues, there is not any reason to write a separate demolition ordinance. The only reason to have a separate demolition ordinance would be if the Township had an historical district. In order to deem a property historical, the home owner would need to complete the application and go through the process on their own. It is the recommendation of LSSE to continue following the regulations in the PA UCC.

Chairman Horn stated that a letter will be written to the Board of Supervisors stating a demolition ordinance is not needed.

## **March 2023**

### ***Opening Comments***

#### **Mildred Teets Subdivision**

Chairman Horn stated the Board of Supervisors approved the plan with the conditions recommended by the Commission. Shoupe Engineering upgraded the plan and LSSE approved the submission. Beaver County comments were sent. Gary Braun asked for LSSE to ensure the right-of-way at the side of the property is not required to be shown.

### ***Old Business***

#### **Comprehensive Plan Updates**

Ms. Shelly stated the stakeholder feedback was reviewed and comments along with a clean copy were submitted to the Planning Commission. Ms. Shelly explained what questions the PA Municipal Code requires.

Don Kretschmann reviewed different types of questions he would like to see added to the survey.

Ms. Shelly stated a comprehensive plan is the basis for additional more in-depth studies to be performed.

## ***Ordinance Review***

### **Cryptocurrency Ordinance**

Ms. Shelly made the updates to the Cryptocurrency Ordinance. Jenny Fessler stated a mining site is opening in Midland and another is being built in Sharon.

The Cryptocurrency Ordinance will be forwarded to the Board of Supervisors for consideration.

A public hearing will be set after all zoning updates have been submitted to the Board.

### **Street Opening Ordinance and Driveway Detail**

Ms. Shelly made the changes requested and submitted clean copies for the Commission's review. Manager Leindecker is comfortable with the documents and feels they will take care of what is needed. Gary Braun asked for confirmation that boring under a road is covered. Ms. Shelly confirmed it is.

The Commission voted to forward the both the Commercial Street Opening and the Residential Driveway Detail Ordinances to the Board of Supervisors for consideration.

### **Noise Ordinance**

Ms. Shelly sent a redline update to the Commission for review. Discussion occurred on wording changes and if the update would apply to existing situations.

Amanda Peterson, Penn Energy, expressed concerns with the ordinance as it relates to their industry standards. She said she would send information to Ms. Shelly.

## ***Discussion***

### **Airbnb Request**

Manager Leindecker received a call on what requirements the township has for Airbnb's. Ms. Shelly researched our current ordinance for a bed and breakfast and hotel/motels. Currently the Airbnb's would go to the Board of Supervisors for consideration, but it is the recommendation of LSSE that an ordinance for short term rentals be written. Short term rentals will be discussed at the April meeting.

### **Energy Transfer**

Chairman Horn asked if Energy Transfer had completed all the projects in the township required by the DEP. He feels LSSE would have the information. Manager Leindecker will investigate.

Larry Hough stated a contract was awarded for the interconnect and they are looking at an August completion. The Municipal Authority is applying for the permits for the 989-extension project and look for a completion date of mid-2024.

## **April 2023**

### ***Opening Comments***

#### **Public Comments**

Ray Beatty made inquiries about the proposed development on Klein Road and if the residents would have the ability to tap into the water and sewage.

#### **Ordinances Forwarded to BOS**

The cryptocurrency, small cell, street opening ordinances, and the driveway detail were sent to the Board of Supervisors for review. A public hearing will be scheduled after the remaining ordinances are submitted.

### ***Pre-Application***

#### **William E Harper Land Consolidation Plan**

The missing items were reviewed as described on the letter from LSSE. It was recommended that the surveyor reach out to Shawn Wingrove to discuss the items required and resubmit the plan accordingly. The plan will be on the May agenda for review and possible approval.

#### **39<sup>th</sup> Street Commons LLC Land Consolidation Plan**

Brian Kowlowski was present to discuss the lot consolidation. He stated he has no immediate plans for the location and will need to get public utilities. The commission reviewed the comments from LSSE and the County. Closure counts are missing from the plan.

The Commission voted to move the 39<sup>th</sup> Street Commons LLC Land Consolidation Plan to the Board of Supervisors for review contingent upon closure counts being added to the plan.

### ***Old Business***

#### **Comprehensive Plan Updates**

The surveys will be mailed the week of April 24<sup>th</sup>. A link to the survey will be added to the website. Ms. Shelly will send a flyer for the Township to place at the local convenience stores. Ms. Shelly will bring the framework of what the plan will look like to the May meeting for review.

## ***Ordinance Review***

### **Noise Ordinance**

Ms. Shelly received comments from Amanda Peterson, Penn Energy, after sending the updated version to the Commission for review. Mr. Hough also sent a referral for an outside firm. Ms. Shelly will contact the referral for additional information. The financial burden would fall on the Township unless the party is found guilty, at which point they could recoup the costs. Discussion will continue at the May meeting.

### **Short Term Rentals Ordinance**

Chairman Horn requested the commission review what Ms. Shelly submitted and discussion will continue at the May meeting.

## ***Closing Comments***

### **Energy Transfer**

Manager Leindecker stated he was in contact with LSSE and Energy Transfer. The DEP required work has been completed and is satisfactory to the DEP.

### **As-Built Pipelines**

Chairman Horn stated the Planning Commission requested the as-built drawings for the lines throughout the township. Discussion continued on the lines being put on the official township map.

## **May 2023**

### ***Opening Comments***

#### **Public Comments**

Chairman Horn stated an anonymous complaint letter was sent to him regarding junk on a property on Hoffman Road. The letter was shared with the Planning Commission.

#### **Letter of Support from BOS**

Jenny Fessler attended the May Board of Supervisors meeting and requested their support of the Planning Commission's efforts to obtain close out information from Energy Transfer. The Board sent a formal letter of support to help with their efforts.

## ***Preliminary Plans***

### **William E Harper Land Consolidation Plan**

Mr. Harper questioned why the missing closure counts were not on the first letter to his surveyor. Shawn Wingrove and the Planning Commission stated it was listed under item 6 on the first letter.



The check list was reviewed by the Planning Commission.

The Commission voted to approve the William E Harper Plan Land Consolidation contingent upon the closure counts being added to the plan.

### ***Old Business***

#### **Comprehensive Plan Updates**

Shawn Wingrove stated 102 electronic surveys were submitted and he would take the large number of paper responses to the office for submission.

Chairman Horn asked Lawrie Borgman to explain the problem with the paper and electronic surveys. She stated the printed survey had one question worded differently than the electronic survey. Once the error was brought to the attention of the staff, Joanne Shelly was notified. At the time only 60 electronic surveys were submitted, and those will be tabulated according to the way the question was worded. LSSE would change the electronic survey to match the paper survey going forward.

### ***Ordinance Review***

#### **Noise Ordinance**

Chairman Horn stated that since this is a highly technical ordinance, they need to take their time on it. Shawn Wingrove stated Ms. Shelly is in the process of scheduling a meeting with the professional recommended by Mr. Hough. Discussion will continue at the June meeting.

#### **Short Term Rentals Ordinance**

Chairman Horn stated Ms. Shelly submitted an update for review and that it is a more complicated issue than originally thought. Discussion will continue in June.

Mike Phipps stated he took a PSATS class on short-term rentals and there are many issues surrounding them. Chairman Horn asked that he get the information from the class to Ms. Shelly to review.

Mr. Phipps stated he also took a class on solar farms. Chairman Horn asked Shawn Wingrove to be sure LSSE is constantly reviewing the township solar farm ordinance to be sure the township is covered with any changes in zoning law.

### ***Discussion***

Chairman Horn stated the Zoning Officer has received complaints on shipping containers being placed on residential properties. Chairman Horn believes the ordinance currently contains language that would identify shipping containers. LSSE will look over the ordinance and inform Township staff of their findings.

### ***Closing Comments***

LSSE enlarged the gathering map submitted by Energy Transfer. Chairman Horn asked for the lines to be placed on the official township map. Shawn Wingrove will reach out to Energy Transfer to ask for an overlay. Amanda Peterson, Penn Energy, stated Energy Transfer may be resistant because of security concerns.

Chairman Horn asked Shawn Wingrove to explain the two Act 102 permits submitted.

Discussion occurred on the Palmer wedding event venue. Mr. Wingrove stated they met with Mr. Palmer, Gateway Engineers, the township sewage enforcement officer, and township staff regarding proceeding with the remaining outstanding items needed for final review.

Chairman Horn stated the township staff received a phone call from Dollar General regarding the possibility of a store to be placed in the township.

LSSE and Penn Energy are working at closing out a metering station so Penn Energy can be removed from the deed. Chairman Horn asked for this to be added to the June agenda.

Larry Hough, Municipal Authority, discussed the water connect and future water line extension project.

Mike Phipps stated the Road Department changed their paving schedule since the Municipal Authority has plans to replace waterlines at the same areas.

Gary Braun asked about the township having a floodplain map. Shawn Wingrove stated they use a federal online site and will help township staff get a copy.

### **June 2023**

#### ***Opening Comments***

#### **Public Comments**

Ron Walker and Dan Matko, representing American Legion Post 512, expressed concerns over the township Sewage Enforcement Officer's requirement of a holding tank for a new outdoor bathroom facility. Chairman Horn explained the Planning Commission does not oversee the Township SEO and it is the DEP that enforces such requirements. Chairman Horn suggested they schedule a meeting with the DEP and Township SEO to discuss their concerns.

Chairman Horn stated the plans for 39<sup>th</sup> St Commons and William Harper that were passed contingent upon the closure counts being added, were fixed, signed, and will be recorded.

## *Old Business*

### **Comprehensive Plan Updates**

Joanne Shelly stated approximately 350 responses have been received to date. Ms. Shelly would like to schedule time prior to the next meeting to be available to residents who have questions or concerns. It was decided to schedule at 5:30 pm prior to the July meeting. The staff will advertise to inform township residents.

### **Traffic Impact Plan**

Mike Phipps stated one of the recommendations from the Strategic Management Planning Program is to have a traffic impact plan. This will be discussed after the completion of the Comprehensive Plan.

## *Ordinance Review*

### **Noise Ordinance**

Ms. Shelly met with a company regarding the process for measuring sound. They were sent sound bites and another meeting is scheduled next week. Ms. Shelly will have a draft sent out for review prior to the next meeting. Discussion will continue in July.

### **Short Term Rentals Ordinance**

Discussion occurred on the differences between short term rentals, bed and breakfasts and motel/hotels. Ms. Shelly stated short term rentals are not covered under the bed and breakfast or motel/hotels. She asked the Commission to think about what they would like to allow or restrict. A draft will be sent out prior to the July meeting for continued discussion.

### **Tiny Homes**

Ms. Shelly stated the current zoning ordinance does not have anything that covers tiny homes or accessory dwellings and asked if the Commission is interested in further discussion. After discussion, it was decided Ms. Shelly will continue to research and the Commission will review further in July.

## *Discussion*

### **Shipping Containers**

Manager Leindecker stated he received a resident complaint about a neighbor placing a shipping container in the back yard of a one-acre lot. The container is small enough that it does not require a building/zoning permit. Chairman Horn stated if there is not something in the current ordinance that covers this issue, an ordinance should be written. Discussion occurred on restrictions for properties of less than 10 acres. Discussion will continue.

### **Fencing**

Manager Leindecker stated a zoning permit is not required to put up fences and questioned if the Commission thought it should be. Discussion occurred on what is in the current ordinance. Ms. Shelly suggested the township give people written rules on fence placement in lieu of them trying to figure it out by reading the ordinance. Chairman Horn thinks it should be inspected after being placed.

### **Driveway Permits on State Roads**

Manager Leindecker stated there is an issue with someone on a state road placing a new driveway that extends into the neighboring property. Since the township does not require permits on state roads, there is no one monitoring the zoning. Chairman Horn stated the permitting is an administrative matter. He asked Manager Leindecker to work with Joanne Shelly on the process of adding permits. Manager Leindecker will consult the township solicitor also. If necessary, the Commission can add changes to the current ordinance.

### **Penn Energy Meter Station Close-Out**

Amanda Peterson, Penn Energy, stated the landowner signed off on the lease turn-over and it will be recorded. Penn Energy will send a letter to the Planning Commission and the Board of Supervisors when that is complete.

### **Holding Tank Ordinance**

Manager Leindecker stated the Township has three different situations in which a holding tank ordinance is necessary for DEP approval. Discussion occurred on whether this ordinance would be a zoning change or a standalone ordinance. It was determined it is a standalone ordinance. The commission reviewed a sample ordinance provided by the Sewage Enforcement Officer. Joanne Shelly will prepare an ordinance that will be ready for approval in July so the Board of Supervisors can consider it at their August meeting.

### **Zoning Hearing**

Chairman Horn stated that four ordinances were sent to the Board of Supervisors and the Commission asked that they hold off on scheduling a hearing since they were working several others. Those ordinances are still under discussion and Chairman Horn feels the Board should be notified to proceed with a hearing for the ordinances they have been given. Township staff will discuss with the Board and make the arrangements.

### **Educational Training**

Joanne Shelly presented material from a seminar on Ethics and Case Law to the Commission from a conference she attended.

## **July 2023**

### ***Opening Comments***

#### **Public Comments**

Laura Dengel inquired about land development for the New Sewickley Township Municipal Authority WWA Interconnect Project.

Chairman Horn announced a Zoning Hearing will be held on August 1<sup>st</sup> at 5:30 p.m. prior to the Board of Supervisors meeting.

### ***Pre-Application***

#### **Land Development – NSTMA – WWA Interconnect Project**

Alex Maloney, LSSE, was present to answer questions on the land development project for the Municipal Authority. The Authority is transferring from Ambridge water to West View water to address ongoing water issues. They are asking for a small easement of 0.29 acre at the Buncher building.

Residents' concerns and questions were heard.

The Commission voted to approve and move the application for the New Sewickley Township Municipal Authority – WWA Interconnect Land Development to the Board of Supervisors for consideration with the condition of the closure counts being placed where the new building will be placed on the permanent easement and with Beaver County Planning Comments being received.

### ***Old Business***

#### **Zahn Meter Station Release**

Amanda Peterson, PennEnergy Resources, submitted the deed transfer update for the Zahn meter station. All above ground work has been brought back to the original state, with no PennEnergy equipment in place. Chairman Horn asked if gas was being metered underground at the location. Ms. Peterson will find out and let the staff know. They are asking the Township to release any stormwater control obligations back to the owner.

#### **Comprehensive Plan Updates**

Joanne Shelly stated only a little over 300 surveys have been submitted. Discussion occurred over some of the responses and how the Planning Commission would like to see the results displayed. Ms. Shelly would like to have 700 responses at a minimum and asked for the Commission's permission to send a letter to stakeholders asking them to reach out to residents to return the survey.

Discussion continued between Ms. Shelly, the Planning Commission, and members of the public.

### **Holding Tank Ordinance**

Manager Leindecker worked with LSSE, Solicitor Reese, and township SEO Jeff Winkle to develop a holding tank ordinance. The ordinance is a requirement of the DEP when a resident applies for a holding tank. There are currently two township businesses in need of the ordinance.

Ms. Shelly stated it meets the needs and requirements of the Township.

The Commission voted to move the Sewage Holding Tank Ordinance to the Board of Supervisors for consideration.

### ***Ordinance Review***

#### **Noise Ordinance**

Ms. Shelly submitted an updated draft of the noise ordinance for Planning Commission review. There is a company in Warrendale that has a sound meter and provides an hourly service at \$150 per hour. The average time to meter is a ½ hour. Discussion continued on the ordinance and Ms. Shelly stated she has exhausted all research on her end. The Commission asked Ms. Shelly to clean-up the document and put into ordinance form for approval at the August meeting.

#### **Shipping Containers**

Ms. Shelly reviewed the draft for shipping containers as accessory structures. Discussion continued on the ordinance and if it was necessary. Discussion will continue in August.

#### **Short Term Rental Ordinance**

Discussion on short term rentals was postponed for the August meeting.

#### **Tiny Homes**

Jenny Fessler submitted information for the Commission to review. Discussion was postponed until the August meeting.

Manager Leindecker stated the PA UCC does not permit manufactured tiny homes. They can only be built on site as long as they meet the PA UCC requirements.

### ***Closing Comments***

Chairman Horn asked Manager Leindecker to provide an update on the Crows Run Road project. Manager Leindecker stated they have an estimated completion of July 2024, putting them ahead of schedule.

## **August 2023**

### ***Ordinances Adopted***

Chairman Horn stated a Public Hearing was held on August 1<sup>st</sup> for Small Cell Towers and Cryptocurrency Mining. Both ordinances as well as the ordinances for Street Openings, Driveway Detail and Sewage Holding Tanks were adopted by the Board of Supervisors at their regularly scheduled meeting following the hearing.

### ***Old Business***

#### **Weaver Homes – Meadow Crest Development – Component 4A Municipal Planning Agency Review**

Shawn Wingrove explained Component 4A is for the sewage treatment plant and does not have anything to do with subdivision and land development, which will occur at a later date. The DEP denied the previous submission and requires the Planning Commission to complete a new component 4A. Mr. Wingrove reviewed the questionnaire. Component 4A and 4B (the County approval) will be included in a new sewage treatment module and will be readvertised with a 30-day comment period prior to the Board of Supervisor's consideration of a new resolution. If adopted, the plan will go back to the DEP for consideration.

Jeff Mason requested the answers to several questions on the Component 4A questionnaire.

The Commission voted to approve Component 4A for Meadow Crest Development and move it forward to the Board of Supervisors for consideration.

### **Comprehensive Plan Updates**

Joanne Shelly submitted a draft of responses to the Commission for review. There have been 349 survey responses submitted to date. Ms. Shelly sent a letter to the stakeholders requesting a meeting to go over the data before the September Planning meeting. She would like to see more responses turned in and asked the stakeholders to reach out to neighbors to do so. The 10% returned give a 5% margin of error and would be considered statistically sufficient. Surveys can be collected until the report is finalized.

The Commission did not have objection to Ms. Shelly moving on to the next step. Chairman Horn stated the township made attempts to get more surveys turned in.

### ***Ordinance Review***

#### **Noise Ordinance**

Chairman Horn explained the Commission has been working on amending the noise ordinance to include tonal noises. Ms. Shelly submitted an updated draft and Larry Hough also drafted a version to consider. Chairman Horn asked the Commission to review the drafts submitted and return in September with comments.

Manager Leindecker stated the township has received complaints from the neighboring communities in regards to the same situation. Ms. Shelly stated the ordinance needs to be enforceable by the Township. Chairman Horn suggested they might want to seek an outside professional that specializes in writing noise ordinances.

Discussion will continue at the September meeting.

### **Short Term Rentals/Tiny Homes**

Ms. Shelly submitted an outlined draft in May. She stated she does not have anything more to add to it, and should be considered as a conditional use.

There was discussion if tiny homes should be combined with short term rentals. Discussion continued on tiny homes and the UCC code and septic requirements. Chairman Horn asked Ms. Shelly if she has heard of any other ordinances for tiny homes in the state; Ms. Shelly has not. Ms. Fessler suggested just adding definitions on what is considered a tiny home.

Chairman Horn asked the Commission to research both ordinances and continue the discussion in September. Ms. Shelly suggested the two be separated and not be considered as a single amendment.

### **Shipping Containers**

Ms. Shelly submitted a draft with comments from the July meeting. The changes were reviewed. There was discussion if the ordinance is needed or if permitted use should be restricted to the general commercial and agricultural district for parcels of 10 acres or more. Discussion will continue in September.

### ***Discussion***

Mike Phipps reviewed an article on cryptocurrency mining and the large amount of power the sites require.

### ***Educational Programs***

Chairman Horn asked Ms. Shelly to continue looking into educational programs that will benefit the Commission. Ms. Shelly would like to have a case law update in the fall.

## **September 2023**

### ***Opening Comments***

### **Zoning Hearing**



A Zoning Hearing is scheduled for October 24<sup>th</sup> requested by Verizon Wireless for 95 feet of variance on three sides.

### **Big Knob Fire Department Waiver**

Big Knob Fire Department requested the Planning Commission grant a waiver from major land development to minor land development. The only item being waived is the acreage of more than 5 acres to under 5 acres. The waiver will save the fire department money and time.

The Commission voted to approve a land development waiver for Big Knob Fire Department of more than five acres to under 5 acres only.

### ***Old Business***

#### **Comprehensive Plan Updates**

Joanne Shelly reviewed the stakeholder meetings that were held. The commission members in attendance felt the meetings were positive with good discussion between the stakeholders. To date 402 responses to the survey were received. Ms. Shelly will continue to collect survey data and make the necessary updates.

The next steps are finalizing the charts and graphs and updating the census data.

### ***Ordinance Review***

#### **Noise Ordinance**

Art Craig met with Larry Hough regarding suggestions to include in the ordinance. Discussion continued on the ordinance. Ms. Shelly suggested if the commission feels the ordinance written by LSSE should contain more specific information, they may want to consult a professional acoustical engineer. Discussion continued on acquiring a noise professional in the area to advise the commission. Discussions will continue at the October meeting.

#### **Short Term Rentals/Tiny Homes**

Vice-Chairman Eisenbrown stated Chairman Horn suggested short term rentals and tiny home discussions be tabled until there are more state-wide standards in place. The commission agreed.

#### **Shipping Containers**

Joanne Shelly submitted a draft ordinance for review and discussion. The commission will review the ordinance to discuss at the October meeting.

### ***Discussion***

#### **Food Truck Ordinance**

Manager Leindecker met with Chairman Horn regarding questions he and Owen Pella, Pella Consulting, had regarding the food truck ordinance. Manager Leindecker wanted to clarify the

areas in which food trucks are a conditional use that the application would come from the land owner and not the food truck operator.

### **Educational Programs**

Joanne Shelly stated it was requested that the Planning Commission receive similar MS4 training as the supervisors. LSSE will prepare a presentation to be given at the October meeting.

### ***Closing Comments***

Member Braun questioned if OSHA requirements may help with the noise ordinance.

## **October 2023**

### ***Opening Comments***

#### **Zoning Hearing**

A Zoning Hearing that was requested by Verizon Wireless will be held on October 24<sup>th</sup>.

### **Public Comments**

Laura Dengel informed the Planning Commission of a town hall meeting she arranged.

Greg Happ stated the town hall meeting they were informed of is not a township affiliated event.

### ***Educational Programs***

John Valinsky, LSSE, provided educational training and answered questions regarding MS4.

### ***Pre-Application***

#### **Land Development – Dollar General, Lovi Road**

Craig Bishop, HRG Engineering and Zane King, PennTex Ventures reviewed plans for a proposed Dollar General store on Lovi Road. They plan to develop two (2) acres of an eleven (11) acre parcel. The proposed plans were reviewed.

The developer requested a waiver on the independent traffic impact study requirement since PennDOT was not requiring one. The Commission asked that they have the study performed since the intersection was known as an accident-prone area in the past.

The developer also requested relief on the slope requirement in the ordinance. The Commission requested they develop according to the ordinance.

Discussion continued. PennTex will discuss the slope requirement and decide if they will go before the Zoning Hearing Board to request relief or resubmit the plans for the November planning meeting.

## ***Old Business***

### **Comprehensive Plan Updates**

Joanne Shelly reviewed the charts, graphs, and census data. Ms. Shelly plans to provide the Planning Commission with a full draft of the plan in two weeks to be discussed at the November meeting. She anticipates the Planning Commission will complete the plan in December and send to the Beaver County Planning Commission and adjacent communities for comment. It will then go to the Board of Supervisors for approval.

## ***Ordinance Review***

### **Noise Ordinance**

Discussion continued on the noise ordinance update.

Manager Leindecker and Solicitor Reese will meet the attorneys for Mailing Services at the site to listen to the noise in question.

Larry Hough suggested that a professional noise engineering firm look at the proposed ordinance.

### **Shipping Containers**

Joanne Shelly submitted a draft ordinance in September for review and discussion. Discussion occurred on shipping containers being added to the description under accessory structures and the international building code be referenced in regards to the containers. Discussion then occurred on the size restrictions put on accessory structures in the ordinance. Manager Leindecker stated his biggest zoning complaint has been the size limit of accessory structures.

Discussion will continue in November.

## ***Discussion***

Member Phipps would like the Commission to consider allowing two homes on one parcel. Discussion occurred on sewage requirements.

## **November 2023**

### ***Opening Comments***

#### **Zoning Hearing**

A Zoning Hearing requested by Verizon Wireless was held on October 24<sup>th</sup>. The Zoning Hearing Board found in favor of Verizon Wireless. Chairman Horn stated he asked the Board of Supervisor to consider consulting with Joel Winston of Cohen Law to look at the ruling to see if there is any potential to appeal. The Board agreed.

## **Public Comments**

Laura Dengel thanked Chairman Horn for attending the town hall meeting and expressed concern over people saying they had not received the comprehensive plan survey. Ms. Dengel requested a list of stakeholders and their contact information. Ms. Dengel also expressed concern over re-zoning, comments from a County Commissioner, and high-density housing.

Frances McCullough lives in Knobvue Estates and expressed concern over the Zoning Hearing Board finding in favor of Verizon Wireless.

## ***Old Business***

### **Comprehensive Plan Updates**

Joanne Shelly submitted a full draft of the Comprehensive Plan for review. Ms. Shelly and the Planning Commission had a lengthy review of the material, census data, and survey results.

Ms. Shelly requested the Planning Commission review the draft and respond to her with corrections and comments to be reviewed at the January Planning meeting, as she will not be at the December meeting.

## ***Ordinance Review***

### **Noise Ordinance**

Ms. Shelly provided an updated draft that includes additional input from Larry Hough. Chairman Horn stated they will not rush to pass an ordinance unless it takes care of the tonal noise problem. Discussion will continue.

### **Accessory Structures/Shipping Containers**

Joanne Shelly researched adjacent communities for their requirements on accessory structures. Ms. Shelly was in favor of the maximum lot coverage percentage, but would suggest adding a limit of structures permitted for under 3 acres and 3-10 acre lots.

Ms. Shelly stated there are building code requirements for shipping containers and is unlikely that any shipping container in the Township is conforming.

Chairman Horn asked Manager Leindecker to review the material and give the Commission his recommendation at the December meeting.

## ***Closing Comments***

Ed Majors stated he would like to ensure there is a safe way for the people of Knobvue Estates to walk to the proposed Dollar General store. Discussion occurred on the developer adding a sidewalk and possible grants that would be available.

## **December 2023**

### ***Opening Comments***

#### **Appeal Filed on Verizon Wireless Hearing**

Chairman Horn stated the Board of Supervisors met with Joel Winston, Cohen Law, to discuss appeal options on the Verizon Wireless cell tower. The Board committed to filing the appeal. Manager Leindecker stated the Board wanted to support the Planning Commission and the ordinance they worked on and will monitor the expense of the appeal process and make decisions accordingly.

#### **Comprehensive Plan Workshop**

Joanne Shelly requested a workshop with the Planning Commission on January 11<sup>th</sup> at 6:00 p.m. to review the comprehensive plan. There will also be a stakeholder review on February 1<sup>st</sup> at 6:00 p.m. and the Commission members are welcome to attend.

#### **Solar Farms**

Mike Phipps submitted material on solar farms for review. He suggested the commission review the current ordinance against the updated laws on solar farms.

#### **Plaque Presentation**

Manager Leindecker stated there would be a plaque given to Mike Phipps for his service on the Planning Commission over the last 14 years.

#### **Public Comments**

Greg Happ thanked the Planning Commission for doing a great job over the last year.

Chairman Horn announced Weaver Homes submitted plans on the proposed Meadowcrest Development on December 19<sup>th</sup>. They will be put on the January agenda under preliminary plans. LSSE has received the plan and will begin their initial review.

#### ***Preliminary Plans***

##### **Dollar General**

Comments were received from LSSE. Craig Bishop, HRG and Zane King, Penntex Ventures were present to review revised plans and answer additional questions. The traffic study was completed.

Mike Phipps stressed the importance of having a sidewalk from Dollar General to the mobile home park. Commission members feel placing a sidewalk will eliminate safety concerns of people walking from Knobvue Estates. Shawn Wingrove stated the zoning ordinance allows the Board of Supervisors to require the sidewalk placement. He will review and confirm with the Planning Commission and Penntex Ventures.

Concerns were raised over the stormwater drain location, as the location already has a significant water problem. HRG will investigate redirecting into another storm drain.

Discussion continued on the stormwater and sidewalk placement.

Shawn Wingrove stated all other concerns have been met. Chairman Horn stated he would like the stormwater and sidewalk issues resolved prior to a recommendation to the Board of Supervisors. The Planning Commission requested a 30-day extension to resolve the issues. Penntex Ventures will submit a confirmation of the extension in writing. The plan will be put on the January agenda for review and approval.

### ***Ordinance Review***

#### **Noise Ordinance**

Manager Leindecker is working with Larry Hough on the ongoing noise problem. Buncher had an independent noise study performed that found the company was in violation of the current noise ordinance. Buncher offered several solutions to resolve the problem. Larry Hough does not believe the solutions recommended by Buncher will resolve the tonal noise issue. Discussion will continue.

#### **Accessory Structures/Shipping Containers**

Manager Leindecker will review the code for shipping containers with Owen Pella and offer suggestions at the January meeting.

Discussion continued on the limitations set for accessory structures on property under 10 acres. Manager Leindecker and Joanne Shelly will discuss and update the commission at the January meeting.

#### **Educational Programs**

Ms. Shelly will work on a program regarding case law. Chairman Horn requested she continue to review case law and how it pertains to our current ordinances.

#### ***Closing Comments***

Chairman Horn thanked the Planning Commission for participating over the year and stated the beginning of 2024 will be busy. He stated there will be a conditional use hearing in the beginning of the year for the Klein Road development.

## **SPECIAL MEETINGS/HEARINGS**

### **July 20, 2023**

#### **Comprehensive Plan Question & Answer Meeting**

A comprehensive plan question and answer session was held at 5:30pm prior to the Planning Commission regular July meeting.

### **August 1, 2023**

#### **Small Cell Towers and Cryptocurrency Hearing**

A Public Hearing was held on August 1<sup>st</sup> for the proposed Small Cell Towers and Cryptocurrency Mining ordinances. Both ordinances as well as the ordinances for Street Openings, Driveway Detail and Sewage Holding Tanks were adopted by the Board of Supervisors at their regularly scheduled meeting following the hearing.

### **September 20, 2023 and September 21, 2023**

#### **Comprehensive Plan Stakeholder Meetings**

Comprehensive Plan stakeholder meetings were held on Wednesday, September 20<sup>th</sup> and on Thursday, September 21<sup>st</sup> from 6-8 pm and 9-11 am respectively.

### **October 24, 2023**

#### **Verizon Wireless Cell Tower Hearing**

A Zoning Hearing requested by Verizon Wireless was held on October 24<sup>th</sup>. They are requesting to construct a 195 ft cell tower at 842 Route 989. This is in the general commercial district and not a permitted use. The Zoning Hearing Board found in favor of Verizon Wireless. The Board of Supervisors committed to filing an appeal.

### **2023 Wrap Up**

The Board of Supervisors re-appointed Gary Braun and Art Craig, each for another four-year term on the Planning Commission. The Board of Supervisors also accepted the resignation of Mike Phipps and presented him with a plaque for his service on the Planning Commission over the last 14 years.

### **Outlook for 2024**

2023 was another busy year for the Planning Commission. Discussions regarding the development and growth of the Township will continue to take place in 2024. These discussions include the ongoing need of water and sewage for our current and future residents, the effect of development on our residents and the need to balance the needs of our residents with the need of development to ensure a future of continued growth for the Township. The Planning

Commission looks forward to continuing to serve the Township residents and addressing the issues related to our growing and changing community.