

PLANNING COMMISSION
June 2, 2016

The Planning Commission of South Strabane Township held their Regular Meeting on Thursday, June 2, 2016 at 7:00 P.M. in the Municipal Building, 550 Washington Road, Washington, PA 15301.

Present for the meeting were: Fred Pozzuto, Chairman, Vice-Chairman Paula Phillis, Joseph Kopko, Laynee Zipko, Jay Gordon, Tom Steele, Members and new Member Ken Rigby. Also present were: John Stickle, Township Manager; Michael Sherrieb, KLH Engineers; John Cambest, Solicitor and Ellen Wallo, Recording Secretary.

Mr. Pozzuto led the group in the Pledge of Allegiance. He then announced that the order of the Agenda will be changed to hear the Public Hearing for the Racetrack Road Development, LLC and Mulach Steel before the Public Hearing for the Amendment to the Township Zoning Ordinance Regarding Oil and Gas Requirements.

PUBLIC HEARING

Racetrack Road Development, LLC and Mulach Steel

This application is for Conditional Use for Racetrack Road Development, LLC and Mulach Steel to build a light manufacturing and business office at Racetrack Road and Tanger Boulevard, zone C-3.

Dusty Elias Kirk, Esquire; George Haberman and Jeff DePaolis of CEC Engineering; Leroy Frederick and Bill Matthews, Ensinger/ Steve Thomas and Tony Rosenberger, Chapman Properties and Tom McDonough of Tanger Outlets were present in support of this application.

Engineer's Comments (KLH):

A conditional use application dated May 11, 2016 was received from Racetrack Road Development, LLC, for conditional use approval of vacant land at Racetrack Road and Tanger Boulevard, a C-3 commercial district. The application was reviewed by KLH Engineers, Inc. for completeness and compliance with the Township zoning requirements for a conditional use in a C-3 Commercial District.

The conditional use application dated May 11, 2016 was found to be complete. The application was reviewed for compliance with the Township zoning Article XI. C-3 Mixed Use Commercial District, Section 245-71,b,(1).(c) and (f) conditional uses of Business office subject to Section 245-115, and Light Manufacturing facility subject to Section 245-137.1.

The conditional use application is in compliance with the five requirements under Section 245-115 and Section 245-137.1:

Conditional Use Approval requires a land development plan be submitted if new construction is proposed. New construction is proposed and a Master Plan Application has been submitted for consideration and approval.

The Master Plan requires that Tanger Boulevard, a “Private Street” be dedicated to the Township and accepted by the Township as a Public Road, in order to comply with the Township’s Land Development and Subdivision requirements. The Master Plan will not comply with the Township’s Land Development and Subdivision requirements without acceptance of Tanger Boulevard as a Public Street.

CONSIDERATION OF MASTER PLAN

Racetrack Road Development, LLC and Mulach Steel

The next item on the agenda is Consideration of a Master Plan of Racetrack Road Development, LLC and Mulach Steel for property at Racetrack Road and Tanger Boulevard, zone C-3.

Ensinger Representative Bill Matthews explained that Ensinger has had a facility in North Strabane for thirty years and has been looking for a new, larger site for several years. The site on Tanger Boulevard will support this project very well.

The Master Plan depicts a portion of Tanger Boulevard and all of Southport Road as roads “to be dedicated to public street.” Tanger Boulevard is currently a private road. Racetrack Road Development, LLC and Mulach Steel are requesting, as part of the application, that the designated portion of Tanger Boulevard and all of Southport Road, as shown on the Master Plan (the “Dedicated Roads”) be accepted as public roads by the Township and that the Township assume maintenance responsibilities for the Dedicated Roads. The acceptance by the Township of the Dedicated Roads is the key to this project moving forward. Per the South Strabane Subdivision and Land Development Ordinance, the lots in the development must be located upon a public road, and a public road cannot be accessed by a private road. Without acceptance of the Dedicated Roads, the project cannot proceed.

In answer to a question from the Board, it was explained that a public road cannot be built directly from Racetrack Road to this site due to topographical issues.

Tom McDonough, Chief Operating Officer of Tanger Outlets, stated that Tanger Outlets is in full support of the Ensinger project and this Conditional Use/Master Plan application.

Mr. Kopko asked what impact this will have on the Tax Increment Financing (TIF) that is in place. Ms. Kirk stated that there will be no impact. She stated that Tanger Outlets have paid \$125,000 to the Township for the past ten years, in addition to the real estate taxes paid each year. That amount should offset the cost to maintain Tanger Boulevard going forward.

Mr. Rosenberger stated that Chapman Properties has owned 158 acres for many years and that this property was never involved in the TIF.

Mr. Thomas of Chapman Properties stated that Tanger Boulevard was designed to handle all the traffic that would use it and that they need the Township to take over maintenance of this road for the following reasons:

1. Public can’t be accessed by private.
2. Topography is not suitable for a road from Racetrack Road to this site.
3. Chapman Properties has never been part of the TIF.
4. Chapman Properties is not asking for any help.
5. Future development of lots included in Master Plan can’t take place if Tanger Blvd. and Southport Road are private roads.

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Mr. Kopko stated that he feels this is a good project but would like to see a comparison of Tax Projections with Development and Cost of Road Maintenance and a letter from Mr. Cambest stating that taking over Tanger Boulevard will have no effect on the TIF. Ms. Kirk and Mr. Cambest stated that they will have these items for the July 2016 Planning Commission meeting.

After further discussion, Ms. Phillis made a motion to continue the Public Hearing for a Conditional Use Application of Racetrack Road Development, LLC and Mulach Steel to build a light manufacturing and business office at Racetrack Road and Tanger Boulevard, zone C-3, providing the applicant waives the time constraints. The motion was seconded by Mr. Gordon and the motion carried.

Mr. Steele then made a motion to table the Consideration of Master Plan of Racetrack Road Development, LLC and Mulach Steel for property at Racetrack Road and Tanger Boulevard, zone C-3, pending receipt of a letter from Mr. Cambest regarding Tanger Boulevard and the TIF and a cost comparison of taxes and road maintenance. The motion was seconded by Mr. Pozzuto and carried.

PUBLIC HEARING

Amendment to the Township Zoning Ordinance

This agenda item is consideration of an Amendment to the Township Zoning Ordinance 3-2009, Chapters 245 and 189 Regarding Oil and Gas Requirements.

Information was submitted by Range Resources including:

1. June 2, 2016 letter from R. M. Junker, Esquire of Babst Calland.
2. April 12, 2016 Highlights of some areas of the draft language that stand out from Range's perspective.
3. Dolores Frederick, Et Al., Appellants v. Allegheny Township Zoning Hearing Board, Et Al., Appellees.
4. Range Resources-Appalachia, LLC, Plaintiff v. Township of South Strabane, Defendant.

These documents are on file at the Township building.

Mr. Pozzuto asked for the following clarifications on the draft Ordinance dated 05/19/16:

1. There were no impoundments in original ordinance; shown in draft Ordinance.
2. Size of above and underground storage tanks.
3. Using only electric motors on compressor stations; these are not quiet.
4. Mineral Extraction District not defined.
5. Baseline environmental conditions.
6. Temporary construction trailers.
7. Noise limits.

Mr. Gordon and Ms. Zipko stated they would like to know the parameters of the ME District.

Tom Lonich, 420 Davis School Road made the following comments on the 05-19-16 draft Amendment:

1. Reference to oil and gas drilling, shallow well site as a use by special exception in A-1, I-1 and I-2 Districts-is this in the body of the Ordinance?
2. Much confusion regarding the ME District.

3. Timing-thirty days before Board of Supervisors take action after Planning Commission meets.
4. Timing of Planning Commission receiving draft Ordinance.
5. Section 4G.
6. Why the hurry getting this draft Amendment passed in June?

John DeBord of Clare Drive questioned the Mineral Extraction District and stated that the Township zones by district, not by parcel. He also questioned why wastewater impoundments were included in this draft Amendment.

Mr. Pozzuto stated to Mr. Cambest that he does not agree with John Smith, who has been advising the Township on oil and gas matters. He would prefer using the conditional use process and not having a Mineral Extraction District.

Cynthia Rossi of 99 Zediker Station Road presented the following information:

1. June 2, 2016 letter from Ms. Rossi to Planning Commission.
2. May 13, 2016 letter from Seth Shonkoff, Adam Law and Jake Hays regarding Proposed Well Pad Near Fort Cherry School District Campus.
3. Southwest PA Environmental Environmental Health Project – Water Impacts Due to Unconventional Oil and Gas Drilling by Ashley Seitz, Graduate Student Fellow.

These documents are on file at the Township.

Mr. Pozzuto made a motion to close the Public Hearing at 9:50 P.M. The motion was seconded by Mr. Gordon and carried.

Mr. Gordon then made a motion to not recommend approval of this Amendment to the Township Zoning Ordinance regarding Ordinance 3-2009, Chapters 245 and 189 Regarding Oil and Gas Requirements due to a lack of definition and areas of confusion within this Amendment. The motion was seconded by Ms. Phillis.

Roll Call:

Mr. Gordon	-	Yes
Ms. Zipko	-	Yes
Mr. Kopko	-	No
Mr. Rigby	-	Yes
Mr. Pozzuto	-	Yes
Mr. Steele	-	Yes
Ms. Phillis	-	Yes

The vote was 6 Yes and 1 No. Motion carried.

MINUTES

A motion was made by Mr. Pozzuto and seconded by Mr. Gordon, to approve the minutes of the meeting of May 5, 2016. The motion carried.

There being no further business to come before the Board, Mr. Pozzuto made a motion to adjourn the meeting at 10.00 P.M. The motion was seconded by Ms. Phillis and carried.

Submitted by,

Ellen G. Wallo
Recording Secretary