

HALFMOON TOWNSHIP
Planning Commission Meeting
June 15, 2010 **7:00 pm**

Present: Danelle Del Corso, Bob Eberhart, Larry Fennessey, Jordan Finkelstein, Joe Tylka
Absent: Lorin Nauman, John Stevens, Sebastian DeGregorio
Others present: Susan Steele, Township Manager; Jim May, CRPA; Dave Piper, Zoning Officer; Eric Vorwald, CRPA; Melissa Gartner, recording secretary

1. Call To Order

Secretary Larry Fennessey called the meeting to order at 7:04 p.m.

2. Citizen Comments

None

3. Approval of June 1, 2010 Minutes

Motion. Mr. Finkelstein moved to approve the minutes of June 1, 2010. Ms. Del Corso seconded. Vote: 5-0

4. Reports

a. BOS Update

Ms. Steele, Mr. May, and Ms. Yurchak had originally discussed summarizing all of the citizen comments into a few general themes, and then forwarding them to the BOS. Ms. Steele also asked Mr. May to come up with alternative land use techniques that would accomplish the same goals in case the BOS or the PC does not want to do the RVDZ. The recurring theme from citizens is that they want to keep the rural character of the Township. The theme from the developers seems to be that the RVDZ ordinance isn't economically feasible. Mr. May added that the sewer treatment plant (under RVD-III) must be built before any land is sold. Mr. Tylka also said that the land in question for Halfmoon Acres has a reputation for not perking well, so it may not support the higher density of RVD-III.

Ms. Steele thinks that she and Mr. May will review and summarize the basic issues for the BOS, and perhaps the RVDZ isn't the avenue to pursue. Ms. Steele said that citizens also asked for more park and recreational land preserved in the Township.

The BOS liked the RVD concept, but felt that they were pushed in February and March. At this time, they are unhappy that Mr. Maloney is now asking for changes at this late stage.

Mr. Fennessey and Mr. May discussed the pros and cons of classifying all of the land in question A1-25 (one house on 25 acres), similar to Ferguson's A1-50 zoning. Mr. May stated that in Ferguson, this policy drove development to the eastern side of the township. Mr. Fennessey said the farmland there has not

decreased in value, and may be in more demand. Mr. Piper said that this would cause more problems than solutions.

Mr. Piper, Ms. Steele, and Mr. May discussed the size and complexity of the ordinance itself. Mr. Piper questioned where the buffer zone/setback language was in the ordinance; he thought it was supposed to be included and couldn't find it. Ms. Steele mentioned that the Patton Township ordinance is only 9 pages; developers suggested that this might be an easier model to use.

Ms. Steele then discussed Mr. Fennessey's presentation to the BOS on the geothermal ordinance. After the presentation, the BOS seemed closer to consensus on creating one ordinance after Mr. Fennessey's presentation.

Regarding Dennis Thompson's waiver request, the Open Space Board meeting was cancelled due to lack of quorum. It was suggested that if the Board of Supervisors sends things to the PC or OSB, they can put a deadline on them – if the items aren't done by that time due to a lack of quorum, the Board of Supervisors will work on the items themselves.

b. Zoning Officer's Report

Mr. Piper stated they issued three permits: a house, a porch, and a deck.

5. Wind Energy Facilities Ordinance

Mr. Eric Vorwald asked the PC to review the latest draft of the wind ordinance and verify that it reflects the wishes of the Committee. The last time the PC discussed this was at the March 2 meeting. If the PC approves the ordinance, it will be forwarded to the BOS.

Members discussed the waiver section first. Mr. Fennessey said that the point of contention was that "non-participating members had to grant the waivers" and essentially everyone else in the Township would be a non-participating member. Only the people in the specific setback in question could ask for a waiver. Mr. May quoted that "the BOS may grant waivers if requested by the advocate in writing from either participating and/or non-participating land owners..." The beginning words of section A and all of section B would be stricken. After discussion, Mr. Vorwald clarified that sections C, D, E, and F would also be stricken. Therefore the waiver section would simply state that the BOS may grant waivers (with no conditions). Mr. Vorwald stated that most comments focused on the waiver section.

Mr. Fennessey asked about Mr. Tylka's previously asked question about the discrepancy in maximum height limits for residential turbines (30 or 35 feet). Discussion continued and Mr. Piper stated that 40 feet was standard for houses, while agricultural buildings have no height limit (ex: silos). Mr. Tylka said that from previous readings brought by Mr. Nauman, he thought that 35 feet was an industry standard. Consensus was to set a maximum height for residential turbines at 35 feet, no matter in which district it is located (including agricultural districts).

Members then clarified two issues: the setback was to be 1.5 times the height of the turbine. Also, Mr. Eberhart questioned if there was a height limit for commercial wind turbines in the ordinance. Consensus was that there would not be a height limit for commercial wind farm turbines used conditionally in A-I.

6. Water/Geothermal Well Ordinance

In review, Mr. Fennessey took the current ordinance water supply/water quality subdivision regulations ordinance, 2007-6 and put it into Microsoft Word. Then, he merged the Spring Creek ordinance with the current Halfmoon ordinance and tried to eliminate redundancies.

According to Mr. Fennessey, a well-driller in Pennsylvania has a license and a permit. When they fill out their well-drilling report, if they lie, they can have their license revoked. Mr. Fennessey stated that Halfmoon doesn't need Code to inspect these wells as long as the driller signs his report and puts his professional reputation on the line. Even in the Spring Creek/Code version of the ordinance, it requires the driller to submit a completion report. This is the only thing Halfmoon would need.

Mr. Piper said that if someone drills a well in the Township, whether it's for potable water, geothermal, or any other use, the Township would require fifty feet of casing, bentonite clay, a buffer certificate, and a water test (if for potable water) to be submitted to the Township. He said that as Sewage Enforcement Officer, his main concern is someone drilling a hole within 100 feet of a septic system. He suggested that one solution could be to have someone draw a plan as to where the well would be drilled in relation to septic when requesting the building permit.

Mr. Fennessey said that the landowner or developer would get the permit, and then the well-driller would have to submit the document back to the Township stating what was done. This is then filed for that residence and can be kept in record for future owners.

Mr. May asked what the township's administrative responsibilities would be. Mr. Fennessey said it would be permits and completion reports. The Township would require the drilling report and the yield test, and before the house is occupied, a water quality test would need to be done.

Ms. Steele asked about water quality testing (#17). A certified water operator for a municipality does testing and sends them to a lab for analysis. For example, if Ms. Steele hired Mr. Giddings to test her water, he would send her a report on her water quality. The home owner or developer would then bring that report to the Township office. Mr. Piper said the current ordinance specifies what to test for, but Mr. Fennessey suggested adding *E. coli*. Mr. Fennessey said that the BOS had initially asked if the well-driller would do the water quality sampling, but the well itself needs to sit and settle before water quality testing should be done.

Mr. Fennessey offered to reduce and simplify the draft ordinance again. Ms. Del Corso summarized that the only document the Township needs to have is the driller's certification that the well was drilled properly. Mr. Eberhart followed that when the well is complete, the driller would submit the DCNR report to the Township. Mr. May handed out a sample of the Code Application for Well and Borehole Permit for the Township to adopt. Mr. Piper suggested that the well-driller should get his signature on the DCNR report notarized.

Ms. Steele said that after reviewing the ordinance and PC comments, she thought that many of the process sections after Fees could be deleted. Mr. Piper

suggested putting a site plan checklist on the back of the application to make it easier for the landowner.

The zoning permit will be issued upon a successful application, including a site plan and fee. The occupancy permit will be issued upon receipt of the driller's report, yield test, and if needed, a water quality test. Further discussion continued on modifications of existing wells or drilling new wells on existing property. Under either of these conditions, water would need to be tested again.

Mr. Eberhart brought up the metric measurements, and consensus was to strike the metric measurements from the ordinance. He also questioned why potable water wells and geothermal boreholes have different distances. Mr. Fennessey and Mr. Piper thought they should be the same. Consensus was to combine and use one column of values for both.

Ms. Steele asked about the hydrologic assessment. Mr. Fennessey said this was in the current Halfmoon Township ordinance. Ms. Steele asked to strike this since it was actually part of the subdivision regulations in a stand alone water supply/quality ordinance. She clarified that the PC would like the subdivision regulations to conform to the new water well/geothermal ordinance. After much discussion, Ms. Steele also clarified that the current water ordinance is being used as a stand-alone ordinance, but is actually part of a subdivision regulation. The new water well/geothermal ordinance will actually be a stand-alone ordinance.

Mr. Fennessey would like to ask Mr. Ralston to review the draft water well/geothermal ordinance and make sure that all deletions and edits are appropriate. Ms. Steele said the BOS would like to see the PC's recommendation in July. For the next PC meeting on July 6, members should be ready to review the condensed version of the merged ordinance.

7. Additional Announcement

Mr. Piper reported that Mr. Eric Casenave, PennTerra, will redraw the Jim Nixon property (formerly Danny Frank's farm) because DEP denied his sewage planning module approval because they would cross wetlands on the property. Mr. Casenave will reconfigure the lot and submit to DEP again.

8. Adjournment

The meeting was adjourned at 8:50 p.m.

Respectfully submitted,
Melissa Gartner
Recording Secretary