

NORTH STRABANE TOWNSHIP PLANNING AND ZONING COMMISSION PAGE 1

****MINUTES** February 22, 2010**

The North Strabane Township Planning and Zoning Commission met in regular session on Monday, February 22, 2010 at 6:30 P.M. at the Municipal Building, located at 1929 Route 519, Canonsburg, PA. The meeting was postponed from February 15, 2010, due to inclement weather.

Attending this session

Norma Wintermyer, Chairperson
Jon Erdner, Vice Chairperson
Linda Romito, Secretary
Bill Franczyk, Member
Katharine Stayduhar, Member

Also attending this session

J. Patrick Smider, Solicitor
Joseph H. Sites, Engineer
Paulette M. Moyar, Planning Coordinator
Margaret Householder, Stenographer

**APPROVAL OF
MINUTES OF
JANUARY 1, 2010**

Motion by Romito, seconded by Erdner to approve the minutes of the meeting of January 18, 2010.

ROLL CALL OF VOTES – 5 YES, 0 NO. The minutes were approved as presented.

OLD BUSINESS

There is no old business this evening.

NEW BUSINESS
FOXCHASE PLAN
NO. 1B

This is for preliminary and final review of the re-subdivision of Lot 113R and Open Space Parcel C located on Hunting Creek Road in an R-3 district.

The following review letter was received from Gateway Engineers, dated February 5, 2010:

Members of the Commission:

We have received and reviewed the preliminary and final application for the re-subdivision of Lot 113 and Open Space C on Hunting Creek Road in the R-3 zoning district as prepared by Wind Ridge Engineering dated February 2010. The exchange of property between the two parcels amounts to 1,583 square feet.

The purpose of the re-subdivision is the result of a builder's error in the placement of the building on Lot 113. The error was that the building

was placed too close to the side yard setback and adjacent building on Lot 112. The applicant has obtained the necessary variance for the distance between the buildings from the Zoning Hearing Board.

The plan is in order for consideration by the Planning Commission.

The plans have been reviewed for conformance to Township Ordinance standards only. The review is based on information prepared by others and assumes this information is correct and valid as submitted.

If you have any questions, please contact me.

Sincerely,
Joseph H. Sites, P.E.

Matt Cramer is present this evening, representing Heartland Homes.

Moyar noted for the record that a variance has been received from the Zoning Hearing Board on minimum distance between buildings. That is also noted on the plan.

MOTION FOR
APPROVAL OF
FOXCHASE PLAN
NO. 1B

Motion by Franczyk, seconded by Romito to recommend preliminary and final approval of the re-subdivision of Lot 113R and Open Space Parcel C in Foxchase.

ROLL CALL OF VOTES – 5 YES 0 NO.

FOXCHASE PLAN
NO. 1

This is for preliminary and final review of the 12th amended plan showing the as-built conditions of units A-D on Lot 113R in the R-3 district.

Members of the Commission:

We have received and reviewed the application for the above referenced plan for Lot 113 located on Hunting Creek Road in the Foxchase PRD as prepared by R. Elliott, Inc., dated February 2010. The plan represents the as built condition of units A-D on Lot 113R in the R-3 zoning district.

The following review letter was received from Gateway Engineers, dated February 5, 2010:

Members of the Commission:

We have received and reviewed the application for the above referenced plan for Lot 113 located on Hunting Creek Road in the Foxchase PRD as

prepared by R. Elliott, Inc., dated February 2010. The plan represents the as built condition of units A-D on Lot 113R in the R-3 zoning district.

The plan is in order for consideration by the Planning Commission.

The plans have been reviewed for conformance to Township Ordinance standards only. The review is based on information prepared by others and assumes this information is correct and valid as submitted.

If you have any questions, please contact me.

Sincerely,
Joseph H. Sites, P.E.

Matt Cramer, Heartland Homes, is present for this item as well.

MOTION FOR
APPROVAL OF
FOXCHASE PLAN
NO. 1

Motion by Erdner, seconded by Romito to recommend preliminary and final approval of the 12th amended plan showing the as-built condition of units A-D on Lot 113R.

ROLL CALL OF VOTES – 5 YES 0 NO.

MERANTE
MARKET

This is for preliminary and final review of a proposed commercial building to be located at the corner of Morganza Road and West McMurray Road in a C-1 (commercial) district.

The following review letter was received from Gateway Engineers, dated February 11, 2010:

We have received and reviewed the preliminary and final site plan for the development of a market at the corner of West McMurray Road and Morganza Road on 0.97 acres in the C-1 zoning district. A convenience store, commercial school, and coffee shop are permitted principal uses. The plan indicates the establishment of a drive through facility, which is subject to S.1406. The following are comments relative to the site plan revised dated February 6, 2010 and storm water management report dated January 18, 2010:

All of the comments of our letter of February 3, 2010 have been addressed and the plan is in order for consideration for preliminary and final approval by the Planning Commission on the condition that the following items are completed:

1. As per S.304.3 of the subdivision and land development ordinance, the developer must execute a Developer's Agreement with the Township prior to being granted final approval by the Board of

Supervisors.

2. A copy of the plans should be submitted to the Public Works Director, Building Inspector/Zoning Officer and Fire Chief for review and comment prior to final approval.
3. The plans must be submitted to the Municipal Authority for review and comment.
4. S.1402.11 requires that a maintenance bond in the form of cash, certified check, or letter of credit shall be posted with the Township in the amount of fifteen percent (15%) of the total cost of landscaping shown on the approved landscaping plan for a period of eighteen (18) months from the date of installation of the landscaping materials. The maintenance bond shall guarantee replacement of the required landscaping materials during the term of the bond.

The plans have been reviewed for conformance to Township Ordinance standards only. The review is based on information prepared by others and assumes this information is correct and valid as submitted.

If you have any questions, please contact me.

Sincerely,
Joseph H. Sites, P.E.

Harvey Treschow, HMT and Associates, is present this evening, along with Mr. and Mrs. Merante. Treschow gave the following information: The market is to be at the corner of Morganza Road and West McMurray Road on a one acre parcel. The existing home and outbuildings will be demolished.

The proposal includes a cooking school, to be run by Mrs. Merante, a 2,000 sq. ft market and a coffee shop with a drive-through entrance. We propose two entrances, one to be a right-in, and circulation around the building. PennDOT has inspected the property and should be issuing the HOP.

Moyar asked about the status of the sewage. Treschow answered he has a letter from our Municipal Authority, which indicates they will provide service and that no planning module is needed.

Treschow added that he has submitted plans to the Fire Department and all the other agencies.

Moyar commented that next door to this is a single family dwelling. She

asked if the existing landscaping between the two properties will be sufficient buffering. Treschow answered the adjacent property owner wishes it to be left as is.

Moyar asked about the possibility of installing a traffic signal at this intersection. Treschow stated after a long delay, PennDOT has stated they will not be installing a signal at this time. Moyar noted the other entrance to the facility is existing.

Moyar asked what type of schooling will be taught. Mrs. Merante answered it will be Italian/Mediterranean cooking, and that the hours will be 6 A.M. to 7 P.M. Tuesday through Sunday. There will be fresh food for purchase as take-away each day. The store will offer lots of fine Italian cuisine, including olives, cheeses, and breads.

Elaine Urban from Strabane had a question on the existing curb cut. Treschow explained that there is already a driveway entrance to the property, which is grandfathered in and will be allowed to stay.

MOTION FOR APPROVAL OF MERANTE MARKET

Motion by Wintermyer, seconded by Erdner to recommend preliminary and final approval of Merante Market, to be located at Morganza Road and West McMurray Road, contingent upon the PennDOT Highway Occupancy Permit being issued.

ROLL CALL OF VOTES – 5 YES 0 NO.

MOUNTAIN V OIL AND GAS, INC.

This is for review and recommendation of a conditional use application to install a natural gas well on property located on Mosier Road in an A-1 district.

The following review letter was received from Gateway Engineers, dated February 4, 2010:

Members of the Commission:

We have received and reviewed the conditional use application for the drilling and installation of a natural gas well at 219 Mosier Road in the A-1 zoning district. Oil and gas drilling is subject to the conditions of S.1303.35 of the Zoning Ordinance. The following are comments relative to submission made by Mountain V. Oil and Gas, Inc. and re-submission of information prepared by Pennoni Associates dated January 25, 2010:

1. S.1303.35(a) requires that all activities conducted in association with and as a part of oil and gas wells shall be in accordance with the Commonwealth of Pennsylvania Oil and Gas Act (Act 1984-223) as

amended, and any other applicable federal, state, county and township statutes.

The applicant's consultant, Pennoni Associates, in their January 25, 2010 response to our January 22, 2010 review, has stated that "All activities conducted in association with, and as part of, oil and gas wells shall be in accordance with the Commonwealth of Pennsylvania Oil and Gas Act (Act 1984-223) as amended, and any other federal, state, county, and township statutes". This requirement is being met.

2. S.1303.35(b) requires that the applicant shall have obtained from appropriate state and other applicable regulatory agencies or authorities permits issued in accordance with all applicable laws and regulations for the proposed use. In the event such permits have not been issued at the time Township conditional use approval is requested, applicant's zoning approval shall be expressly conditioned on the granting of necessary permits as required by the above agencies or authorities. At the time of making application to such authorities, the applicant shall file with the Township Secretary a copy of each State or Federal application with supporting documentation for the proposed use. A copy of the PA DEP application has been provided.

Township approval should be conditioned on receipt of the applicant to obtain the State permit approval.

3. S.1303.35© requires that the applicant shall provide a description of plans for the transportation of materials and equipment to construct the facility, and measures that will be taken to maintain all roads within the Township that are used to transport materials and equipment, and to repair any damages to the roads that may occur as a result.

The applicant has posted a \$15,000 bond #0078486 underwritten by Ohio Farmers Insurance dated July 1, 2009 with an expiration date of one year. Current photographs of the inspection of the roadway condition must be completed by the Township Public Director or Engineer to document conditions prior to work starting on the site at least one week prior to starting.

4. S.1303.35(d) requires that any material stored outside an enclosed structure being used as an incidental part of the primary operation shall be screened by opaque ornamental fencing, walls or evergreen plant material in order to minimize visibility if the storage area is readily visible from adjoining occupied residential properties. Such materials shall not be deemed to include operable vehicles.

The applicant has indicated that they will achieve screening by planting eastern white pines. The location has been shown on the revised erosion and sedimentation control plan provided by Pennoni Associates in their January 25, 2010 response to our January 11, 2010 review.

5. S.1303.35(e) requires an emergency response plan shall be submitted addressing methods to handle the following:
 1. well leakage
 2. spill containment
 3. vandalism creating unknown conditions
 4. defective casing or cementing
 5. potential communication between the well and the public water supply

The original submitted plan has sufficient information to address items 1, 2, and 5. The Pennoni Associates January 25, 2010 response to items 3 and 4 is that a fence will be erected in order to keep unauthorized persons out of site and should a defective casing or cementing occur, Mountain V will assess the situation and handle in a way that coincides with the regulations set forth by the Pa DEP.

6. S.1303.35(F) requires that the applicant shall provide certification that a bond is held by the PaDEP (PA Department of Environmental Protection) to ensure proper plugging when the well is classified as inactive by the PaDEP.

A bond has been provided.

7. S.1303.35(g) requires that the applicant shall provide a schedule indicating the following dates:
 1. site preparation beginnings and ends
 2. anticipated drilling activity beginnings and ends
 3. anticipated completing (perforating) work to begin and end
 4. anticipated stimulation (fracturing) work to begin and end
 5. anticipated production work to begin and end
 6. anticipated plugging date

The applicant has provided the following dates:

1. *Site preparation beginning and end – January 20, 2010 through February 3, 2010.*
2. *Anticipated drilling activity beginning and end – February 5, 2010*

through February 27, 2010.

3. *Anticipated completing (perforating) work to begin and end – February 27, 2010 through March 1, 2010.*
4. *Anticipated stimulation (fracturing) work to begin and end – March 1, 2010 through March 3, 2010.*
5. *Anticipated production work to begin and end – March 3, 2010 to undetermined end date.*
6. *Anticipated plugging date – TBD.*
8. S.1303.35(H) requires that adequate security measures shall be proposed to protect wellheads that are in a remote location.

The proposed well head is not in a remote location.

9. S.1303.35(i) requires that the access road to the well site shall be improved with a dust-free, all weather surface in such a manner that no water, sediment, or debris will be carried onto any public street.

In response to our January 11, 2010 review, Pennoni Associates in their January 25, 2010 letter and submission has shown on the erosion and sedimentation control plan a detail for the access road consisting of a sandstone base, choked with 1 1/2" of sandstone and an AASHTO 357 limestone wearing surface. The depth of the limestone wearing surface has not been indicated on the plan. Furthermore, the ordinance requires a dust-free all weather surface. In response to the January 27, 2010 letter, the application has provided a revised plan showing that the AASHTO #57 limestone wearing surface will be controlled for dust with watering as needed, which is acceptable.

10. S.1303.35(j) requires that an off-street area for maintenance vehicles to stand while gaining entrances to the access road shall be provided that does not disrupt the normal flow of traffic on the public street.

Adequate parking is proposed for the site which is sufficiently located off the public road.

All of the comments of our previous reviews have been addressed and the application is in order for consideration by the Planning Commission for the conditional use hearing to be scheduled.

The plans have been reviewed for conformance to Township Ordinance

standards only. The review is based on information prepared by others and assumes this information is correct and valid as submitted.

If you have any questions, please contact me.

Sincerely,
Joseph H. Sites, P.E.

A surveyor for Pennoni Associates is present this evening, along with Jamie Andrews from Mountain V Oil and Gas, Inc.

The surveyor gave the following information: the proposed gas well is on the Stella Kusturiss property, which is a conditional use in the A-1 property. The property is 67 acres. The site is on the right-hand side of Mosier as you turn off Brownlee. There is another site on the left-hand side, which is located in Somerset Township. There is no dwelling on the property; only outbuildings and pavilions. This request is only for one well. There may be future requests, but they would come in the form of a conditional use application as well.

Stayduhar asked if the two nearby property owners, James H. Wilson and Thomas and Helen Henry, have water wells.

The surveyor explained these are not Marcellus wells, but shallow wells.

Jamie Andrews from Mountain V came forward at this point and explained that PaDEP requires them to protect all water sources within 1,000 feet of the well. If something goes wrong during the drilling or fracturing process, we are required to take care of the water source. We test the well before and after and give property owners six months to report a problem with the well. If the water is contaminated, we are required to drill a new well, hook them up to city water, or whatever we can to rectify the situation.

Mountain V owns and operates about 147 wells in Pennsylvania, including one across the road at the Michael Kusturiss property, in Somerset Township. We are tying into an existing system, and selling to Equitable, Dominion Peoples, C & G, etc.

Drilling goes on around the clock, and fracturing one day a week, generally 6-7 A.M. till 12:00 or 1:00 P.M.

Wintermyer asked if Mountain V has complied with all the requirements of the conditional use. Andrews responded it is all items that they are normally required to do, anyway, and will be easy to comply with, other than hiding the gas well. That is an unusual request. Mountain V will

comply with it, though, for the benefit of surrounding property owners.

There was a discussion on property owners rights and protections.

Moyar asked if this well is permanent. Andrews answered typically a well like this is in production for twenty years.

Moyar stated the permit from PaDEP is outstanding. Andrews stated it is expected to be issued shortly. Sites stated the road bond is in place.

Andrews commented all neighbors within 1,000 feet have been notified and all the water supplies have been tested.

Stayduhar asked what kind of regulation exists with landscaping around the well head. Andrews stated no trees are permitted to be planted within a range of 50 to 200 feet of the well head.

**MOTIOM FOR
APPROVAL OF
MOUNTAIN V**

Motion by Romito, seconded by Franczyk to recommend approval, contingent upon the DEP permit being issued and the continuation of the road bond.

ROLL CALL OF VOTES – 5 YES 0 NO.

**ANY OTHER
BUSINESS
RANGE
RESOURCES**

Range Resources Appalachia, LLC was to be on our agenda for a proposed amendment to the zoning ordinance regarding oil and gas drilling. They have withdrawn that request and the Township is working on a proposed ordinance regarding oil and gas drilling. Smider stated that we anticipate reviewing this issue at our next meeting and a presentation by Range Resources. Wintermyer asked that the Planning Commission be kept informed of the progress of this issue. Smider continued the issues include a request by Range to expand the drilling to additional zone districts and a request that it be a use by right, rather than a conditional use.

ADJOURNMENT

Motion by Stayduhar, seconded by Erdner to adjourn the meeting, all business being concluded.

ROLL CALL OF VOTES – 5 YES 0 NO.

The meeting was adjourned at 7:16 P.M.

Norma Wintermyer, Chairperson

Linda Romito, Secretary

