

MINUTES OF THE
EAST COVENTRY TOWNSHIP PLANNING COMMISSION
MEETING HELD ON JUNE 15, 2016
(Approved July 20, 2016)

The Planning Commission held their monthly meeting on Wednesday, June 15, 2016. Present for the meeting were Kathryn Alexis, Lawrence Tietjen, Lance Parson and Mariea Geho. Also present for the meeting was Marjorie Brown, Planning Commission Solicitor, Brady Flaharty, Planning Commission Engineer and Richard Tralies, Planning Commission Planner. Absent was Walter Woessner.

Mrs. Geho called the meeting to order at 7:00 p.m. and the pledge was recited.

MINUTES

Mrs. Alexis made a motion to approve the May 18, 2016 Planning Commission meeting minutes. Mr. Tietjen seconded the motion. The motion carried with a 4-0-0 vote.

CITIZEN COMMENTS

There were no citizen comments.

SUBDIVISION AND LAND DEVELOPMENT

Consideration of review of the Owen J Roberts Final Subdivision / Land Development Plan
Mrs. Geho informed everyone there would not be a discussion of the Owen J Roberts Final Subdivision / Land Development tonight. The applicant requested a postponement.

Consideration of review of the Koury Preliminary / Final Minor Subdivision Plan

Mr. Dane Moyer, Bursich Associates, updated the Planning Commission on proposed subdivision. Mr. Moyer stated East Vincent Township is aware of the subdivision and provided a letter to East Coventry Township stating they have no comment for the proposed subdivision plan since there is no development involved and this is about nothing more than a change in property lines. Mr. Moyer stated the applicant agrees to dedicate the right-of-way to the Township. Mr. Moyer stated they addressed the comments from the review letters. Mrs. Brown asked if Mr. Moyer had any questions. Mr. Moyer stated he had no questions.

Mr. Moyer stated Mr. Koury is currently preparing the Deed of Dedications. Mrs. Brown asked that a copy of the Deed of Dedications be provided to East Coventry Township, the Planning Commission Solicitor and the Planning Commission Engineer for approval prior to recording.

Mrs. Brown provided copies of the motions she prepared on waiver requests from the Applicant for the Planning Commission's consideration. The following motions were reviewed:

Motions on Waiver Requests:

1. SALDO §304.3.C – Site Context Map

MOTION to recommend the Board of Supervisors **APPROVE** the Applicant's request for a waiver from SALDO §304.3.C requiring a separate Site Context Map be provided.
Motion made by Mrs. Alexis, seconded by Mr. Parson. Approved (4-0-0)

2. SALDO §304.3.E(9) – Sanitary and Storm Sewer Information

MOTION to recommend the Board of Supervisors **APPROVE** the Applicant's request for a waiver from SALDO §304.3.E(9) requiring that the Preliminary Plans show the location, size, material used, invert elevation, proposed connection to existing facilities and percent of grade of all sanitary and storm sewers, including all manholes, inlets and culverts.
Motion made by Mrs. Geho, seconded by Mr. Tietjen. Approved (4-0-0)

3. SALDO §405.9 – Road Widening Improvements

MOTION to recommend the Board of Supervisors **APPROVE** the Applicant's request for a waiver from SALDO §405.9 requiring that the Applicant install road widening improvements along the Ridge Road frontage.

Motion made by Mrs. Alexis, seconded by Mr. Parson. Approved (4-0-0)

4. SALDO §406.7 – Street Right-of-Way Width

MOTION to recommend the Board of Supervisors **APPROVE** the Applicant's request for a waiver from SALDO §406.7 requiring that road widening improvements be installed along the Ridge Road frontage.

Motion made by Mrs. Alexis, seconded by Mr. Tietjen. Approved (4-0-0)

Mrs. Brown read the following motion on the preliminary/final plan:

MOTION to recommend the Board of Supervisors approve the Lot Line Adjustment / Annexation Preliminary / Final Minor Subdivision Plan prepared by Bursich Associates, Inc. dated March 1, 2016 and submitted by John A. Koury, Jr. for the property located at 439 Ridge Road and Eleanor Drive, in the form of the Resolution presented to the Planning Commission and attached as Exhibit "A".

Motion mad by Mrs. Geho, seconded by Mrs. Alexis. Approved (4-0-0)

Mr. Flaharty asked Mrs. Brown if she had any issue with Mr. Moyer submitting revised plans, after cleaning them up, prior to the Board of Supervisors meeting. Mrs. Brown stated no, she has no objection. Mrs. Brown stated she would need to be provided with a last revision date to update the Resolution with the latest information. Mr. Flaharty stated that one (1) set be provided to the Township, and one (1) set provided to the Planning Commission Engineer. Mrs. Brown asked to also have one (1) set provided to the Planning Commission Solicitor.

Additional Items to be Brought before the Commission

Transmission Pipeline – Model Ordinance

Mrs. Brown discussed the proposed Transmission Pipeline – Model Ordinance with the Planning Commission, Brady Flaharty, Planning Commission Engineer and Richard Tralies, Planning Commission Planner. The following items were discussed:

- Section I – Chapter 9 – Part 1 – Section 129 – Paragraph 1 – Proposed change is to remove the following reference:
 - Remove "Rational Method".
- Section II – Chapter 9 – Part 1 – Subpart C – Section 129 – Paragraph 1; Table 129.1 and Paragraphs 3 and 6 – Proposed change is to remove the following from the table:
 - Remove fourth row of the table pertaining to "Rational Method".
- Section IV – Chapter 9 – Part 1 – Subpart E – Section 152 – Proposed change is as follows:
 - Added "within ninety (90) days of completion of work."
- Section VI – Chapter 22 – Part 2 – Section 202 – Proposed change is as follows:
 - Added new definitions for "Pipeline"; "Surface Land uses Affiliated with Transmission Pipelines" and "Transmission Pipelines".
- Section VII – Chapter 22 – Part 3 – Section 304 – Subsection 3 – Paragraph A – Proposed change is as follow:
 - Added "net lot area template".

- Section VIII – Chapter 22 – Part 3 – Section 304 – Subsection 3 – Paragraph A – Proposed change is as follows:
 - Added new subparagraph 28 defining what should be shown on plans for transmission pipeline locations on a property.

Mr. Tralies stated the distance shown on the plans should correlate with the information shown in Section 2.A. – Setbacks.

Mr. Flaharty stated it might be good to reference PIR or setback radius, whichever is greater.

Mrs. Brown stated maybe we should state all three alternatives, "any abutting property, setback or PIR, whichever is greatest."

- Section X – Chapter 22 – Part 4 – Proposed change is as follows:
 - Added new Section 431 – Buffer Standards and Setbacks from Transmission Pipelines."
- Section X – Chapter 22 – Part 4 – Subsection 431 – Section 2 – Item A (1):
 - Defines setbacks for new residential, new commercial, existing residential and existing commercial.
- Section X – Chapter 22 – Part 4 – Subsection 431 – Section 2 – Item B (2):
 - Mr. Tralies raised the question on what constitutes "sufficient access" for the routine maintenance and emergency operations. Mr. Tralies stated after rereading paragraph B (1), this paragraph covers the question of "sufficient access".

Mr. Flaharty raised a question as to what happens once the ordinance is in effect and the first person comes in to find out where the existing pipelines are located and how to calculate the PIR. Does the Township have the authority to compel the PUC or the utility companies involved in the site to provide the information of the pipe diameter or pressures in various locations. Mr. Flaharty believes these people will come to him for the answers and the Township will need to be able to point the applicant in the right direction.

Mrs. Brown stated the Township will point the applicant to DEP and the PUC.

Mr. Tietjen stated whoever operates the pipeline should be able to provide the pipe size and operating pressure.

Mr. Flaharty stated the people who operate the pipelines should be able to provide the PIR. Mr. Flaharty stated the operating pressure varies during operation.

Mrs. Geho stated all this information is supposed to be available on line to the public.

Mrs. Brown stated the PUC should be able to provide the safety standards, while the DEP should be able to provide the construction and operations information. Mrs. Brown will research who would have the information in order for the Township to direct people who to contact.

Mr. Flaharty stated this should ultimately be "real time" information.

Mrs. Geho stated DEP is supposed to be able to provide information on pipeline owners/operators.

Mr. Tietjen stated he believes it would be best to provide the owner/operator information instead of the calculations.

- Section XIV – Chapter 27 – Part 13 – Proposed change is as follows:
 - Added new Section 1338 – Surface Land Uses Affiliated with Transmission Pipelines."

- Section XIV – Chapter 27 – Part 13 – Section 1338 – Section 3 – Item 3 B. – Proposed change is as follows:
 - Change reference to §428 to §428.11.D.

Mrs. Brown stated the Zoning Ordinance should be revised to add a new paragraph "I" specific to Transmission Pipelines to §428.11 of the Zoning Ordinance.

Mr. Flaharty commented once the ordinance is enacted, a developer comes in for a Subdivision. The development is in proximity of a Transmission Pipeline. The developer adheres to all the requirements and the subdivision is dedicated. A Pipeline owner comes in a year after the development is done and wants to increase the flow. What recourse does the Township have to prevent the Transmission Company from arbitrarily increasing the flow.

Mrs. Brown stated if the pipeline is interstate, the Federal Government regulates. Mrs. Brown stated the Township will only be able to handle local development, construction, etc., at the local level. Mrs. Brown stated once the pipeline exists, she would think the pipeline owner would have to abide by Federal regulations.

Mr. Tietjen stated he still believes the pipeline company has to provide the PIR up front and stick to those PIR and not be able to increase the PIR.

Mrs. Brown asked how the Township would know when the flow if increased, unless the Companies are on the honor system.

Mr. Flaharty stated the Township probably would not know, until someone happens to sue the Township.

Mrs. Brown stated she would complete some additional investigation and research these issues and incorporate the information into the Transmission Pipeline Ordinance. Mrs. Brown stated she will continue to investigate and research and revise the proposed ordinance for future discussion.

Additional topics discussed for possible inclusion in the Transmission Pipeline ordinance amendments were as follows:

Plan Recording

Mrs. Brown discussed the topic of recording final plans and whether the Record Plan or a Full set of Plans should be recorded. Suggestion is when As-Built plans show a substantial difference from the Approved Plans, the Township should require the As-Built plans also to be recorded.

Mr. Flaharty stated in the past problems arose where the plans recorded were not the approved plans. The Township now prefers to have the complete set of plans recorded. By recording the complete set of plans, every page has a stamp on it and you know this is the official version which was approved by the Board of Supervisors.

Mrs. Brown noted the SALDO does not currently define what plans are to be recorded.

Mr. Flaharty recommended the full set of plans be recorded. The Planning Commission members agreed with Mr. Flaharty.

Expansion of Nonconforming Structures

Mrs. Brown discussed the current zoning ordinance provisions on existing non-conforming buildings. Mrs. Brown discussed a proposed change to the zoning ordinance to require a variance where the proposed expansion of the existing structure would increase the nonconformity. If the proposed expansion did not increase the nonconformity, a variance would no longer be required.

Mrs. Brown discussed the process for consultant reviews of plans submitted to the Planning Commission. In practice, if an applicant submits its plans 21 days before the Planning Commission meeting, the Consultants review letters are completed within 7 days. The Solicitor reviews the consultant review letters and then has 7 days to complete the Solicitor review. Then the Planning Commission has 7 days to review all the review letters before the Planning Commission meeting. As currently written, the SALDO does not require consultant review letters until 21 days prior to the next meeting following the Planning Commission's initial review. Mrs. Brown inquired whether the Planning Commission wants to change the SALDO to conform to the current practice .

Mr. Tietjen stated from his perspective, it would be better for him if it came in, which would give him a better chance to understand what the development is and where it is, what the property is, then when he receives the review letters it is easier to understand, because he does not have to see that and try to learn everything and try to get up to speed with the project.

Mr. Flaharty stated the SALDO is broken down to initial submissions and resubmissions. Following the SALDO as written would allow the Consultants more time to do a more thorough review.

Mrs. Geho and Mr. Parson agreed with Mr. Flaharty. Mrs. Geho stated the Planning Commission needs the time to review the plan.

Mr. Flaharty suggested that after the first review and the applicant's presentation, the Consultants letters follow the shorter review cycle since everybody knows the project and is familiar with the comments and can move forward.

Mrs. Alexis asked if this process would affect the MPC review timeline. Mrs. Brown stated the Township typically requests unlimited extensions because usually the applicants need the time. Mrs. Brown explained the 90 day clock does not start at submission, but at the first meeting date unless the application is submitted 30 days before the meeting.

Mrs. Brown suggested the review timelines be shortened for resubmissions in the SALDO.

Chester County Review Letter for Wireless Communications Ordinance

Mrs. Brown discussed the Chester County Planning Commission review letter received for the Wireless Communications Ordinance. The review letter referenced changes in Federal Regulations for Wireless Communications Facilities as they relate to modification and co-location. There are four (4) areas of change that impact our Wireless Ordinance. Here are the four (4) areas:

- Tighten up restrictions for Inside (as distinguished from Outside) the Right-of-Way.
- Height Extension provisions
- Changes to Modification / Co-location
- 60 day review restriction for Zoning Officer

Mrs. Brown indicated she would be presenting proposed amendments to the Wireless Ordinance in the near future.

Mr. Parson stated the Planning Commission attended a workshop a couple weeks ago and the co-location is different than what the Planning Commission thought.

Northern Federation Update

Mrs. Alexis stated there is nothing new to report.

Historical Commission Update

Mr. Tietjen stated there is nothing new to report.

Pottstown Metropolitan Regional Planning Committee Update

No Update.

ADJOURNMENT

Mr. Tietjen moved to adjourn the monthly meeting at 8:30 p.m. Mrs. Alexis seconded the motion. The motion carried with a 4-0-0 vote.

Respectfully submitted,

Cheryl A Imes
Secretary