

**NORTH EAST TOWNSHIP
PLANNING COMMISSION**
Monday, September 6, 2022
7:00 P.M.
Minutes

Call to Order: Chairman Vern Fry called the meeting to order at 7:00 pm. In attendance were Board members Char Kerr, Leann Parmenter, Matt Putman, Dennis Kershner and Zoning Administrator Jay Jobczynski.

Minutes of the August 1, 2022 meeting were reviewed. Dennis had one question which was addressed, and clarified later in the meeting. Motion to approve was made by Char, seconded by Dennis. Approved – Unanimous

Old Business:

1. Richard Stetson: Tax parcel #37-009-014.0-006.00. Mr. Stetson presented his final plan to move the property line to the east, to provide a larger lot to the west. Easements are provided for his drive as well as for the Township water line.
Final R-2 Char motioned for approval, Matt seconded. Approved-Unanimous
2. Ms. Kathleen Johnston: Tax parcel #37-001-062.0-007.00. Brian Johnston, representing Ms. Johnston, presented his plan, which was approved for lot size by the Zoning Board of Appeals. The lot is now 1.32 ac. The County has not signed off on the revised plan yet. NETPC cannot sign off until the County does. His father was adamant about having the gas well on his lot, as opposed to an easement, which was preferred by some members of the PC.
Preliminary A-1 Char motioned for approval, Matt seconded. Approved -- Unanimous
3. Clean Choice Energy: Tax parcel #37-031-130.0-006.00. Grif Jones, Project Manager, Solar Development for Clean Choice discussed further the proposed 25-acre project on a 90-acre parcel south of Crawford Road and west of SR 89. Char and Vern discussed their conversation with Mr. Walt Tilley, the solicitor for Penn Twp., Hanover, PA, when a solar farm was installed there on a 20-acre parcel.
 - He said that the project went very smoothly with no negative community comment or impact.
 - It was handled as a zoning variance and a land development plan was provided.
 - No screening was required then (2010-2011), the panels are stationary, facing south.
 - There were no requirements for a decommissioning plan. The life is 20-25 years.
 - It was built on private land owned by Snyder Company and all electric produced at the facility was for Snyder.
 - He mentioned that most ordinances require performance bonds for decommissioning now, although the exact cost to do so is not known.

- We might want to make sure that the fencing permits the elements to go thru it. He was not a fan of barbed wire.
- There was a 40–50-foot setback from the property line to the fence.
- He cautioned that most ordinances have a lot of requirements, mostly out of fear and public relations, but that is not needed, and often causes more concern than necessary.
- He was not aware of any glare issues with the project, and mentioned that studies have been done regarding glare affecting pilots. He said we should ask for a glare study.

Grif asked if we had received all the info we had requested, which we had. Matt and Dennis did a very thorough review of it.

- Matt pointed out that Batavia, NY had an ordinance that he reviewed and it had way too much in it. They settled on a 75-foot setback (not sure if that was from fence or from panels).
- Dennis mentioned that we were only piggybacking on the wind ordinance in terms of the district in which alternative energy is permitted. We have no other bases covered, like individual units in front yards or on roofs. We likely need to address these issues in an ordinance.
- Char mentioned that Erie County Planning is providing us with a proposal (based on the Comprehensive Planning process) to update the zoning (using a totally new template that would incorporate our existing info and add new) and an update of the SALDO. She will make sure that this is included in that process.
- Ripley's proposed solar farm is on 2,000 acres.
- Dennis questioned the draft State legislation and if the depreciation offered to the company was passed on to the customers as a cost increase. (Not sure of answer!)
- Grif mentioned that renters and small businesses can participate in the energy reduction program and that they must provide service to low-moderate income residents. The energy must stay in the First Energy system, so the customer base is broad.
- There was some discussion about alternative energy credits and carbon reduction credits...no definite answers yet. Not Grif's area of expertise.
- Vern reminded us that our job was to determine if the project meets our requirements, that the State was controlling the energy issues. This discussion was mostly for our edification.
- Matt reiterated that decommissioning is a big issue. Grif stated that is why the bond is 110-140% of the projected cost. He mentioned that some townships opted for a 2-3% inflationary increase in the bond each year. He preferred that the project be reviewed every five years and the bond amount be adjusted according to current conditions and cost estimates. He felt that protected the community better.
- We discussed if there was any recycling value and Grif said yes, aluminum and other materials. Not much is hazardous.
- Regarding glare, Vern mentioned that if there was glare, the panel was likely not working properly. We discussed fires that have resulted at Amazon facilities and whether or not our fire department was equipped to handle them. Vern will check with the fire department. Grif reminded us that there is a master kill switch in case of emergencies and that they would work with local EMS and others and help train local firefighters.

- We decided that we would likely go with a conditional use in order to be expedient in this case, and that we need to work on a list of conditions. Matt and Dennis agreed to draft a list for our review at our October meeting. We also agreed that these conditions would then be the basis for a future ordinance.
- The land for this site is in Clean and Green, therefore Clean Energy will have to pay 7 years of back taxes and then the property will be taxed as commercial in the future, which will provide additional taxes to township, school district and county, with no additional services, such as water and sewer, being required.
- Grif mentioned that DEP has standards regarding maintenance, and there will be a developer's agreement with the township, as well as a storm water management plan. Not sure if an NPDES permit is required. PUCO is not involved.
- Attendee Jim Barbour mentioned that this is a great location and good size for NE.

Conditional Use R-1 No action was taken at this time.

New Business: None

Variances: None

Discussions: Vern mentioned that residents are concerned about what is happening at Granite Ridge and if the property was going to turn into low-rent housing. We asked about the developer agreement that as approved by the supervisors and asked for a copy of it. Jay said that it was for storm water management. There was concern that if they knew what was needed in the storm water management plan, then they must know what development is going to be occurring. This led to a discussion (with Dave Thornton as an attendee) about if individual units were going to be rented, then our ordinances would require them to be individual lots. We all agreed that we need to change our ordinances so that is not a requirement. Dave mentioned that he will be bringing in another plan with the same issue. To save time, we may want to consider Granite Ridge and Dave's projects as conditional uses and then change the ordinances when the County does our update.

Walk-ins: John Hallenburg discussed what he knew about the current status of the Dohler project. He presented a timetable of events that have occurred and stated that George Dohler said that the sewer line was approved for discharging into 20 Mile Creek and that the road was approved. We stated that we have not seen anything since Rubino's initial meeting with us. He pointed out that our meeting minutes from 5/3/21 stated that we gave preliminary approval to the revised subdivision plan. After much discussion, we agreed that what we had approved was elimination of all the cottage lots so that the property was in one large parcel. The July 6 minutes clarify this. They are using the 5/3/21 minutes to state that the project is approved. It is not.

Matt stated that he would not be at the next two meetings. There being no other business, the Matt motioned to adjourn.

Secretary:



Charlene M. Kerr