

**TULPEHOCKEN TOWNSHIP JOINT PLANNING COMMISSION
AND BOARD OF SUPERVIORS MEETING**

February 2, 2023

Present: Planning Commission Members: Scott Hetrick, Laverne Frey, Robert Sattazahn, and Gary Deck. Also Board of Supervisors members Gary Deck, Lester Feick and Harold Zimmerman. Township Solicitor- Michelle Mayfield, Township Engineer- Matt Mack and Planning Commission Secretary- Lisa Care. John Zimmerman was absent.

The Planning Commission meeting began at 7:32 p.m. and continued with the pledge to the American Flag.

Robert Sattazahn made a motion to approve the minutes from the January 5, 2023 Planning Commission meeting, seconded by Laverne Frey and approved unanimously.

Public Comments: None.

Active Plans: None

New Plans:

a. Zoning Hearing Board Application and plans for Centerport Milk Hauling, o Rehrersburg Road.

Mr. Mervin Horst, treasurer of the Co-op for Centerport milk hauling, John Williamson from Team Ag and Calvin Zimmerman propose to construct a stone parking area for 10 trucks and 12 trailers when they are not in use on a 2.2 acre lot and a small shed about 240 sq. ft. The parking lot will be used between the hours of 6 am to 5 pm and employees will park their own private vehicles on this lot when they are driving the milk trucks, most of the time no one will be there. Centerport Milk Hauling is requesting approval under special exception uses 743.05, Terminal, storage or transfer facilities for trucking, bussing, or railroad operations; and 743.10, Land uses not specifically defined in this Zoning Ordinance or not identified or recognized as a use in any other zoning district. This is located in an industrial/commercial area and Centerport Milk Hauling will comply with Section 748 performance standards: Noise and vibration, and lighting. Standards will also be met for section 1152.05 of the zoning ordinance.

The Township Engineer stated that the zoning officer has reviewed the application and feels that being it is in an industrial zone, the location is appropriate. Some of the items that are not part of zoning but will need to be addressed are: Storm water, two Penn Dot accesses going in and out and this would not qualify for land development as there would be no buildings associated with it. All landscaping qualifications are in our SALDO. Mr. Horst suggested plantings on at least on both sides, such as arborvitae trees or other measure of effective natural screening 10 feet from the edge of road but not in the sight lines. Four Points mini market is located on the south side and Rehrersburg Road and 419 have some residential housing. There will be two pole lights towards the back of lot with the lights shining down and/or shielded. Per Angela Diem,

dispatcher, the shed will contain supplies for the drivers to replenish the trucks such as, sampling bottles, seals, manifests, etc.

The maintenance for the trucks will be a mobile service, vacuum type system, to take all the oils with the maintenance service. A truck wash service will come to wash the exterior of the trucks only and is a mobile wash service. The total disturbance area is less than an acre.

Centerport Milk Hauling will need to secure storm water approval, E&S approval, two Penn Dot HOPS, provide a light plan that is properly shielded and a designated managed wash area. Landscaping/screening may not be necessary for this location. A solid fence on Four Point road to block headlights going out was brought up as a suggestion.

Gary Deck, for the Planning Commission, made a motion to recommend to the ZHB to support the special exception as the board feels it is a good fit for the area and the Township. Seconded by Robert Sattazahn and approved unanimously.

Gary Deck, for the Board of Supervisors, made a motion to recommend to the Zoning Hearing Board to support the special exception as the board feels it is a good fit for the area and for the Township. Seconded by Harold Zimmerman and approved unanimously (3-0).

Other Business:

- a. **Solar Installations.** Joint meeting with the Planning Commission members and Board of Supervisors to further discuss this topic and ordinance.

The Township Solicitor prepared an ordinance for review, discussion and amendment. Per our Township Engineer, there are two types of commercial solar arrays, typically 5-30 acres or 100 plus acres. John Williamson stated that capability class of soils 1 & 2 are most productive (or Prime), and class 3, 4 and 5 are less productive soils. The Township Engineer stated that the Township would have to allow for every type of use in the ordinance and to provide areas with enough land to accommodate a solar installation and suggested overlay districts as an option. If you over-regulate too much, the PUC may step in.

The Township Solicitor introduced agrivoltaic farming which is the practice of growing crops underneath solar panels as an innovative way to use productive farmland. Fencing starts at six inches above the ground level to allow for rabbits, etc to graze under the solar panels and other variations of solar grazing where livestock graze in and around the solar panels.

Per the Township Engineer, the value of the property goes up and the taxes go up. There is a 25 year life span and at the end of this life span, the panels can come out and you can farm it again.

The solar company may pay the difference on the increase in taxes and the back taxes for land on Clean and Green. Preserved farms are not applicable.

Township Residents within a certain mile radius typically can receive a 20% reduction offered to them by the solar company if they buy into this electricity. Minimum acreage to be beneficial is 30 acres. The surface area should only be 20% of the lot area. The less you put on, the bigger the farm needs to be. A solar farm is typically 5-30 acres. You would need 150 acre farm to put in a 30 acre solar array which would be minimum beneficial acreage. If the slope of the panels are 5% or less, no storm water plan is required. However, steep slopes would require storm water and a NPDES permit. Basins may be needed, but this can be reviewed on a point by point basis during the review of the land development plans.

The Township Solicitor read out loud through the proposed ordinance to allow for and provide rules and regulations for the use of solar energy. The Township will establish decommissioning funds via bond or financial security and will be reviewed every fifth year with the manufacturer to assure the Township has the funds to remove the equipment if the facility owner or operator fails to complete decommissioning.

Roof Mounted systems (accessory solar energy systems) add setbacks.

Board of Supervisors member and Township Fire Chief, Mr. Feick, stated that the building code allows 36 inches of space around a chimney and emphasized the need to expand this perimeter for better ladder access. This would require an amendment to the UCC to adopt a wider perimeter around the chimney for access so the zoning and UCC are the same requirement for a clear path to and around the chimney. The suggested increase was an 8 foot perimeter.

Also amend UCC to add "Knox Boxes" for new commercial buildings, non-residential. Which is a small box fastened outside of the structure that would contain a key for access and/or reflective signage mounted at the meter base or at the front of the structure indicating there are solar panels in use and where the disconnect is located if not at the meter base. It is preferred to have the signage and safety switch at the meter. Otherwise the shut off location will need to be on the signage.

Other items for considerations are front yard definitions, driveway paving, glare from slope installs, soils, fencing, trees, buffering, etc. There is limited commercial/industrial areas and guidance as to where there would be sufficient acreage, or propose an overlay, or a possible joint comp plan.

It was decided to have this discussion continued. The Township Engineer will create a map with the percentage of preserved farms, soils, steep slopes and EAP districts for review at next month's joint Planning Commission and Board of Supervisors meeting scheduled for March 2nd.

b. Wireless Communications Facilities.

The Township Solicitor provided a draft of a Zoning Ordinance Amendment regarding wireless communication facilities for compliance with Act 50. It was agreed to further review and discuss this draft at the combined Planning Commission and Board of Supervisors meeting to be advertised and held on March 2, 2023.

Laverne Frey made a motion to adjourn the meeting at 9:40 p.m., seconded by Robert Sattazahn and approved unanimously. The meeting was adjourned.

Respectfully submitted,

Lisa Care, Planning Commission Secretary