

# Butler Township Planning Commission

March 3, 2015

The Butler Township Planning Commission held their regular Planning Commission meeting on Tuesday, March 3, 2015, at 6:00 p.m. at the Butler Township Municipal Building, 290 South Duffy Road, Butler, PA 16001.

In attendance were Planning Commission members: Chair Mark Swift, Vice-Chair Sam Zurzolo, Brenda Collins, Ron Henshaw and Fred Maihle, Jr. Secretary Ernie Oesterling and Kim Christie were absent.

Also in attendance were Engineer Dan Deiseroth, Solicitor Larry Lutz, and Zoning Officer Jesse Hines.

Chair Swift called the meeting to order followed by a moment of silence and the pledge of allegiance to the flag.

## Approval of February 3, 2015 Minutes

Motion by Collins to approve the minutes of February 3, 2015, seconded by Maihle, Jr. and carried unanimously.

## Public Comment on Holman Lot Line Revision

No comments.

## Holman - Lot Line Revision

East Brady Street

Mr. Tom Holman was in attendance to represent the Holman Lot Line Revision.

The referenced Subdivision Plan is located along East Brady Street in the R-1 (Single Family Residential) Zoned District. The plan proposes the consolidation of Parcel A and Parcel B resulting in Lot 1.

Mr. Holman explained that he would like to eliminate the line between 1016 and 1020 East Brady Street to create one parcel with a single family dwelling and detached garage. The second building would never be used as a residence.

Zoning Officer Hines stated that the building at 1020 East Brady Street was a garage that was converted into a duplex and Mr. Holman would like to convert that back to a detached garage.

Engineer Deiseroth referenced Gateway Engineers' letter dated February 17, 2015, C-25597; there are no outstanding comments.

Motion by Maihle, Jr. to recommend final approval of the Holman Lot Line Revision, seconded by Collins and carried unanimously.

## Public Comment on the Zoning Ordinance Amendments

Mr. Joseph McMurry – 103 Windsor Drive - Member of Section 27 Alliance. He would like to hear the amendments and explained that there are legal actions in PA. He stated that he learned that according to the MPC the primary function of Zoning is to promote and protect health, safety and welfare of the community. Zoning is to put compatible uses together and incompatible uses separate; the most incompatible being Residential and Industrial. He explained that there is a ruling in the PA Supreme Court that says shale gas is Industrial. It is not the function of Zoning to ensure financial viability of private contracts.

Mr. Sam Hoszwa – 120 Duncan Drive – He would support natural gas and oil extraction as a conditional use in the A-1 (Agricultural) and M (Manufacturing) Zoned Districts, but not in the R-1 (Single-Family Residential), R-2 (Multifamily Residential), C-1 (General Commercial), or C-2 (Convenience Commercial) Zoned Districts.

Mr. Dennis Gaggini – 606 Tudor Drive – He explained that he checked the zoning in regards to drilling when he moved into Butler Township seven years ago. At the time there was no surface drilling in an R-2 zoned area. He is not in favor of natural gas and oil extraction in residential.

Mr. Mark Krenitsky – 139 Winterwood Drive – He would like to see the rules left the way they are currently. There has been a gas well on his property since the 1950's and there have not been any problems.

## Zoning Ordinance Amendments

Zoning Officer Hines gave an overview of Act 13.

Mr. Rick Grossman, Butler Township Planning Consultant, gave an overview of the proposed Zoning Ordinance Amendments. He explained that the Municipalities Planning Code, Section 603I, states that the Municipality must provide for reasonable development of minerals.

Mr. Grossman explained Conditional Uses and Special Exceptions. He explained that making gas well drilling as a conditional use gives the Board of Commissioners the possibility of imposing additional conditions and safeguards.

Discussion was held regarding the required acreage and setbacks.

Zoning Officer Hines explained some changes regarding split zoning, accessory structures, signage, dumpsters, and lighting.

Mr. Grossman discussed changes to Section 300-32 which is proposed to be changed to "Solar, Wind and Alternative Energy Systems.

Discussion was held regarding the proposed addition of Section 300-22.L Outdoor Wood-Fire Boilers.

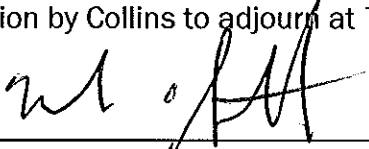
Motion by Henshaw to recommend the zoning ordinance amendments with the condition that:

1. Section 300-32.D(i) is changed from, "The developer shall avoid" to "The developer shall not place", and
2. Section 300-22.L Outdoor Wood-Fired Boilers is removed

seconded by Maihle, Jr. and carried unanimously.

Adjournment

Motion by Collins to adjourn at 7:15 p.m. seconded by Vice-Chair Zurzolo and carried unanimously.

A handwritten signature in black ink, appearing to read 'Mark Swift', is written over a horizontal line.

Mark Swift, Chair