

BRIGHTON TOWNSHIP PLANNING COMMISSION

MINUTES OF MARCH 7, 2016

Mr. Maze called the March 7, 2016 meeting of the Brighton Township Planning Commission to order at 7:30 P.M. The meeting was located in the Brighton Municipal Township Building, 1300 Brighton Road, Beaver, PA.

PRESENT: Jeffrey S. Maze, Chairman
John A. Weber, Secretary
Nathan Allen
Mark Piccirilli
Jenny Strang

STAFF: Bryan K. Dehart, Township Manager
Kathryn L. Johnston, Solicitor
Ned Mitrovich, P.E., Township Engineer
Shawn Wingrove, E.I.T.

ABSENT: William L. Snider, Vice-Chairman
Tim O'Brien

VISITORS: Ned Mitrovich, P.E. and Shawn Wingrove, E.I.T. of Lennon, Smith, Souleret Engineering, Inc.

Minutes of the February 1, 2016 Regular Meeting: Mr. Weber made a motion, seconded by Mr. Allen, vote unanimous, to approve the minutes of the February 1, 2016 Regular Meeting.

Conditional Use Application for Tower Based Wireless Communication Facility: Matt Walker of Elevated Properties LLC attended the February meeting and presented their conditional use application for the construction of a new communications tower on Tax Parcel No. 55-152-0135.000, 4270 Dutch Ridge Road. The property is owned by William B. & Sandra Kay Sheerin. On February 22, 2016 the Board of Supervisors conducted a public hearing on the application. The Board of Supervisors will make a decision on the application at their meeting of March 14th.

The Commission discussed the application. The applicant submitted documentation to address the conditions set forth within the Brighton Township Zoning Code, Section 195-135 Wireless Communication Facilities. There were some items that are outstanding that are to be addressed at the time of application for a zoning and construction permit. Those items were listed by the Solicitor.

Mr. Allen made a motion, seconded by Mr. Weber, vote unanimous, to recommend that the Board of Supervisors grant conditional use approval to Elevated Properties LLC for the

construction of a Tower Based Wireless Communication Facility (WCF) as shown on their application submitted January 8, 2016 and supplemented February 5, 2016, subject to the following Conditions of Approval:

The Applicant agrees that the Tower Based WCF site and facility shall be developed, constructed and maintained in compliance with Brighton Township Zoning Code, Section 195-135 Wireless Communication Facilities. The applicant further agrees that this approval is subject to the following specific conditions:

1. The Applicant agrees that the Tower Based WCF site and facility shall be developed, constructed and maintained in compliance with Brighton Township Zoning Code, Section 195-135 Wireless Communication Facilities.
2. The access driveway to the lease site shall have a gate installed to prevent unauthorized access to the site. The property owners (William & Sandra Sheerin) shall agree upon the location of the gate.
3. The applicant shall secure and provided documentation of an approved Penn D.O.T. Highway Occupancy Permit for the access driveway at Dutch Ridge Road prior to securing a building permit for the construction of the Tower Based WCF.
4. Section 195-135 B(5) – Aviation safety and lighting – Applicant states that no lighting is necessary and will not be installed. In the event regulation requirements change in the future and federal or state law requires lighting, lighting shall be red in nature and not a white strobe. In the event a white strobe is required, it should have a reflector installed to direct the light strobe upwards.
5. Section 195-135 B(8) – Signs – Applicant stated that they will comply with this section, however, no documentation has been provided. Applicant shall provide documentation of how they intend to comply with the requirements of this section as part of their application for construction permits.
6. Section 195-135 B(13) – Financial security – The Applicant has agreed to provide to the Township at the time of zoning or construction permit application the required financial security that is sufficient to guarantee the removal of the Tower Based WCF.
7. Section 195-135 B(15) –Indemnification – The Applicant has agreed to provide to the Township at the time of zoning or construction permit application the required Indemnification that meets the requirements of this Section. The written indemnification shall be subject to the approval of the Township Solicitor.
8. Section 195-135F(13) – Noise – The Applicant shall operate the site so as not to produce noise in excess of the standards set forth in Township Code, Section 195-137.13.
9. Section 195-135F(16) – The Applicant agrees that the site shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair; and to maintain the site to ensure the upkeep of the Tower Based WCF in order to promote

the safety and security of the Township's residents and utilize the best available technology for preventing failures and accidents.

Township Greenway and Trail Plan: No follow up meeting has been scheduled to date. Mr. Dehart told the Commission that he spoke with John Buerkle of Pashek Associates about proceeding with plan adoption. Mr. Buerkle has sent information to the Western Pennsylvania Conservancy (WPC) to try and get some budgeting data prepared. His hope is to have specific action items within the plan, making it more likely to be an effective plan for implementation. It is expected that the process to conclude the plan will begin soon.

Aspen Fields Plan of Lots Phase III Revision No. 1: Maronda Homes has filed an application for subdivision approval to revise the Phase III Plan. Mr. Dehart said that the purpose of the plan is to increase the depth of the perimeter lots by approximately 40-feet each to increase the building envelope to permit the construction of larger homes. The original master plan was filed many years ago, and over that time the line of homes offered by Maronda has increased in square footage. The Commission reviewed the site plan prepared by LSSE dated August 15, 2014, last revised February 5, 2016, the Township Engineer's review comments dated February 22, 2016 and the BTSA review comments dated March 2, 2016.

Mr. Maze said that there has been substantial earthwork outside the scope of Phase III. The Township Engineer said that they have sent notices to the developer about this issue, and the Beaver County Conservation District has been involved. Mr. Mitrovich said that the developer will need to confirm proper compaction on the fill areas at the time of plan submittal for future phases.

Mr. Piccirilli made a motion, seconded by Mr. Weber, vote unanimous, to recommend approval of the Aspen Fields Plan of Lots Phase III Revision No. 1 prepared by Lennon, Smith, Souleret Engineering, Inc. dated August 15, 2014, last revised February 5, 2016.

Smyda Plan of Subdivision – A Subdivision of Lot No. 2 in the John A., Sr. & Druzilla Wilson and Joseph E. Smyda, Trustee Plan: This is a two (2) lot subdivision on Dutch Ridge Road. Lot No. 2A is proposed as a new building lot and Lot No. 2 Residual of 59.142 acres has the existing single-family home of the applicant. The Commission reviewed the plan of subdivision prepared by Pringle-Nero Land Surveying, Inc. dated January 14, 2016, the Township Engineer's review comments dated February 17, 2016, the BTSA Engineer's review comments dated March 1, 2016 and the Beaver County Planning Commission review comments dated February 19, 2016.

Mr. Allen made a motion, seconded by Ms. Strang, vote unanimous, to recommend approval of the Smyda Plan of Subdivision – A Subdivision of Lot No. 2 in the John A., Sr. & Druzilla Wilson and Joseph E. Smyda, Trustee Plan as prepared by Pringle-Nero Land Surveying, Inc. dated January 14, 2016 subject to:

1. Compliance with the Township Engineer's review comments dated February, 17, 2016;
2. PA DEP Sewage Planning Module approval; and

3. PA D.O.T. Highway Occupancy Permit approval for the driveway.

Grading Ordinance: A proposed Grading Ordinance was previously sent to the Commission for review. This ordinance is a revision to Article XIX in the Subdivision & Land Development Code. It is being made free-standing to be enforceable upon properties that are not part of a subdivision application for a land development project. Removing the grading regulations from the Subdivision and Land Development Code will require changes to that ordinance also. Messrs. Mitrovich and Wingrove were in attendance to review the proposed ordinance and answer questions. The Commission discussed the sections that address exceptions and permitting. It was noted that where the ordinance references standard details it will now refer to the Brighton Township Minimum Construction Standards and Details that are being established as a manual to be adopted by resolution.

Mr. Weber made a motion, seconded by Mr. Piccirilli, vote unanimous, to recommend that the Board of Supervisors proceed with the adoption of the proposed ordinance to establish Brighton Township Code Chapter 104 – Grading and Excavating.

Chapter 173 Stormwater Management: The Township Engineer reviewed proposed changes to the Stormwater Management Code related to Small Project Stormwater Management Plan Applications. Changes are also being made where the ordinance references standard details. Those references will now refer to the Brighton Township Minimum Construction Standards and Details that are being established as a manual to be adopted by resolution.

Ms. Strang made a motion, seconded by Mr. Allen, vote unanimous, to recommend that the Board of Supervisors proceed with the adoption of the proposed ordinance to amend Chapter 173 Stormwater Management.

Brighton Township Minimum Construction Standards and Details: The standard details are being updated and established as a manual independent of the Zoning Code and the Subdivision and Land Development Code. As discussed earlier in the meeting, the Brighton Township Minimum Construction Standards and Details are being established as a manual to be adopted by resolution. As a result, all standard details that are within the Subdivision and Land Development Code and the Zoning Code are being removed from those codes and being established within a new manual. The Township Engineer briefly reviewed the changes that have been made to some of the details.

Mr. Piccirilli made a motion, seconded by Mr. Weber, vote unanimous, to recommend that the Board of Supervisors approve and adopt the Brighton Township Minimum Construction Standards and Details as prepared by the Township Engineer.

Zoning Code Amendments: The Brighton Township Planning Commission previously prepared amendments to the Zoning Code to include definitions and regulations for Bar/Tavern, Boarding House, Nightclub and other changes. Those recommendations have been prepared in ordinance format by the Solicitor. One additional change was to remove Bar/Tavern as a use within the C-1 Zoning District. Due to the small area zoned C-1 the setbacks required had the effect of prohibiting the use. Therefore, the use was removed. However, alcohol can still be

served in restaurants with the proper licenses. Additional changes were made where references are made to the standard details. Those references will now refer to the Brighton Township Minimum Construction Standards and Details that are being established as a manual to be adopted by resolution.

Mr. Allen made a motion, seconded by Mr. Piccirilli, vote unanimous, to recommend approval of the ordinance to amend the Brighton Township Zoning Code, Chapter 195.

Subdivision and Land Development Code Amendments: The Commission reviewed an ordinance to amend the Subdivision and Land Development Code. The changes are primarily related to the deletion of the grading regulations and the standard details from within the Subdivision and Land Development Code. Where references are made to the standard details, they will now refer to the Brighton Township Minimum Construction Standards and Details that are being established as a manual to be adopted by resolution.

Ms. Strang made a motion, seconded by Mr. Piccirilli, vote unanimous, to recommend approval of the ordinance to amend the Brighton Township Subdivision and Land Development Code, Chapter 180.

Additional Business: The Solicitor reviewed the decision of Kretschmann Farm, LLC v. Township of New Sewickley from Commonwealth Court. The court affirmed the Township's conditional use approval of a gas compressor station on land adjacent to the Kretschmann Farm. The court decision has been appealed by Kretschmann Farm.

Adjournment: Mr. Weber made a motion, seconded by Ms. Strang, vote unanimous to adjourn the meeting at 8:48 P.M.

Respectfully submitted,

Bryan K. Dehart
Township Manager