

APPROVED APRIL 13, 2011



THORNBURY TOWNSHIP
DELAWARE COUNTY
Planning Commission
6 Township Drive
Cheyney, PA 19319-1020

James Bulkley, Chairman
James Quinn, Jr., Vice-Chairman

Robert Ricciuti
Allen McCann
Robert Ferrara
Charles Howat

MINUTES
Thornbury Township Planning Commission Meeting
Wednesday, March 9, 2011

The Thornbury Township Planning Commission held a public meeting Wednesday, March 9, 2011 at the Township Administration Building, 6 Township Drive, Cheyney, Pennsylvania. Chairman Bulkley called the meeting to order at 7:00 p.m.

PRESENT: James Bulkley, Chairman Mike Ciocco (Twp. Engineer)
James Quinn, Jr., Vice-Chairman Ken Kynett (Solicitor),
Robert Ricciuti Wayne Grafton, Land Planner
Allen McCann
Charles Howat

ABSENT: Robert Ferrara

MEMBERS OF PUBLIC: 6

Mr. Bulkley reviewed the Agenda, as follows:

AGENDA

1. SALUTE TO THE FLAG
2. PUBLIC COMMENT
3. APPROVAL OF MINUTES – Feb. 23, 2011
4. OLD BUSINESS
 - a. Zoning Ord. – Accessory Structure Regulations
 - b. 2010 Annual Report and Addendum
 - c. Comprehensive Plan
5. ACTION DATES REVIEW
6. NEXT MEETING – Wed., March 23, 2011
7. ADJOURNMENT

1. **SALUTE TO THE FLAG:** Mr. Bulkley led the salute to the flag.
2. **PUBLIC COMMENT:** JP Kelly (Supervisor and liaison to the Planning Commission) offered his assistance with any questions or issues the Planning Commission may have for the Board. Mr. Kelly noted that the Board of Supervisors was actively looking for a volunteer to fill Mr. Moore's vacancy on the Planning Commission.
3. **APPROVAL OF MINUTES:** On a motion by Mr. McCann and seconded by Mr. Howat, all members present voted "aye" to approve the Feb. 23, 2011 minutes, as amended by Mr. Kynett and Mr. Ciocco. Mr. Ricciuti abstained due to his absence from that meeting.

4. OLD BUSINESS

- a. Zoning Ord. – Accessory Structure Regs.:** Mr. Bulkley noted brief discussions on solar, wind, and geo-thermal. Edgmont's ordinance on this topic is currently being reviewed by our members. Since the Uniform Construction Code (U.C.C.) regulates certain aspects of wind and solar structures when attached to buildings on a property, the members are mainly discussing accessory structures which are free-standing. Mr. Bulkley noted that Mr. Ferrara felt that wind and solar accessory structures should be prohibited in Cluster Zoning; and Mr. (Rick) Miller was concerned with flag shaped or interior lots. Mr. Grafton updated the members, as follows: 12/7/10 e-mail from Mr. Miller on the impact of solar panels and 11/10/10, 12/8/10, and 2/23/11 PC meeting comments.

Mr. Bulkley stated that the members are considering restricting alternative energy structures from certain high density areas due to possible negative impacts from smaller lot sizes. The members also felt that all front yards should be excluded from wind and solar structures. However it was felt that geo-thermal should be permitted anywhere on the property, being underground and unobtrusive, provided it is located within the property lines. Mr. McCann felt that "side yard" should be defined, such as corner properties. Mr. Kynett pointed out that the Township measures the side yard from the edge of the building to the property line. This could, in some cases, be more restrictive than using the building set back line to determine the side yard.

Mr. Ricciuti questioned limiting noise generated by windmills. Mr. Grafton noted that the members wanted to limit the decibels to 60 and he will check that number. Mr. Ricciuti and Mr. Bulkley felt that as long as the neighbors are not negatively affected, the Township should not restrict the number of windmills or solar structures. Mr. Grafton reminded the members that solar and wind structures must be an accessory use. Mr. Kynett stated that the primary reason behind this type of ordinance is to ensure that such uses are available but remain accessory to the primary use of the property. Providing a maximum standard for electricity generation makes maintaining the use as accessory self-regulating. Mr. Grafton explained if it was not an accessory to the residence, then it could be considered as the primary use of the lot in a residential district.

Mr. Bulkley felt that solar and windmill free-standing structures should be restricted from lots less than 1.5 acres, which would exclude townhouses and cluster developments. Geo-thermal should not be restricted from side yards, as opposed to solar and wind which should.

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Public Comment: Mr. Miller stated: (1) geo-thermal wells can be placed in a basement foundation; (2) his geo-thermal wells are in his side and front yards and are not visible from the ground surface; (3) 10KW is about 83 amps; and (4) solar panels on flag lots are a possible distraction and could decrease neighboring property values.

Mr. Kelly suggested that geo-thermal should be removed from discussion, as there already are bulk regulations in place.

Mr. Kelly asked what initiated this discussion. Mr. Kynett explained that the garage applications (over 1,000 sq. ft.) from Widdis and Horne proposed an accessory structure (garage) larger than their primary structure and our ordinance does not address when an accessory structure becomes the primary structure. Mr. Bulkley added that in the past some applications were handled administratively and were never seen by the Planning Commission. Applicants noted examples in the Township that were allowed and therefore felt they should be allowed. Mr. Kynett questioned whether the Township wanted to regulate an accessory building that exceeds the size of the principal building as it may negatively affects the neighbors. Mr. Bulkley felt that the maximum size of an accessory structure should be no larger than 4,500 sq. ft. unless it is agricultural. Mr. Ricciuti felt the maximum should be smaller. Mr. Kelly stated that he would discuss the question with the Board of Supervisors and get back to the Planning Commission as to the Board's position. Per Mr. Kelly's question, Mr. Bulkley stated that the Planning Commission was not intending to change any existing bulk regulations such as height, impervious coverage, or setbacks in considering accessory structures. Per Mr. Kelly's question, Mr. Grafton stated that there may be issues with free-standing solar structures casting shadows on neighboring lots, causing glare or heat and ultimately neighbor disputes. Mr. Grafton recommended that they should not be permitted on smaller lots and in cluster developments, as it would not be compatible with the homes. Mr. Kynett noted that Edgmont only received 1 application for a windmill under its regulating ordinances since their adoption. Mr. Bulkley felt conditional use is best. Mr. Grafton suggested that areas for commercial fields should be designated. Mr. Ciocco noted doing several geo-thermal wells and a few solar, but no windmills. Per Mr. Kelly's question, Mr. Kynett stated that the proposed ordinance would prohibit the person putting up the solar panels not to cast glare on neighbors or the street.

Public Comment: Unidentified woman asked about house amps. Mr. Bulkley stated a house has between 100-300 amps.

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Mr. Kelly suggested that the Planning Commission discuss only solar panels and windmills. Mr. Bulkley felt a minimum lot size would eliminate most of the issues that would arise with small properties. Mr. Bulkley suggested that wind and solar structures not be higher than 35 ft. Mr. Grafton noted that windmill height (45 ft.) is noted on page 7 of the draft ordinance and agreed with Mr. Miller that they should not be permitted in a side yard. Mr. Bulkley preferred conditional use to be used for all wind and solar applications, as each application is different.

There was a consensus to remove geo-thermal from the discussion, as it should be allowed anywhere (via permit, engineered plans, and within setbacks). Mr. Grafton will make changes to the draft ordinance. Mr. Quinn noted that solar is allowed to be 18 ft. tall and felt it was too high.

b. 2010 Annual Report and Addendum: ***MOTION:** On a motion by Mr. McCann and seconded by Mr. Howat, all members present recommended that the 2010 Annual Report and Addendum be approved and forwarded to the Board of Supervisors.*

c. Comprehensive Plan: Tabled until Mr. Grafton has the census figures.

5. ACTION DATES – REVIEW: Mr. Bulkley reviewed the action dates. Mr. Kelly was updated on the Wills, and Gricco applications.

6. NEXT MEETING: Wednesday, March 23, 2011 at 7 p.m.

7. ADJOURNMENT: On a motion by Mr. McCann and seconded by Mr. Ricciuti, the meeting adjourned at 8:05 p.m.

Respectfully submitted,
Deborah Zitarelli
Planning Commission Secretary

cc: Planning Commission Members
Board of Supervisors
Kenneth D. Kynett, Esq.
Robert P. Anderman, Esq.
Jeffrey Seagraves, Township Manager

Ted McCandless, Code Administrator
Michael Ciocco, Township Engineer
Wayne Grafton, Land Planner
Geoff Carbutt, Subdivision Coordinator
Suzanne Howat