

Virtual Meeting Instructions for Viewing and Participating

Planning Commission Members and Staff will meet in person. Applicants, Applicants' representatives, and the public are also able to attend the meeting in person. A virtual meeting option for the public is also being made available. If attending in person, a mask must be worn at all times within the Courthouse.

How to Watch

The public meetings can be viewed in the following way:

- **By accessing the meeting using the ZOOM link provided at the beginning of the agenda.** You can sign-up for a free ZOOM account or continue as a guest. Once you have downloaded the app to your smart phone, joined from your web browser or downloaded the ZOOM software on your computer, you will be ready to join the meeting.

If you previously signed up for ZOOM, you can enter the Meeting ID and passcode listed on the top of the agenda.

How to Join with No Smartphone or Computer

If you don't have a smart phone or computer to access the meeting via ZOOM, you can participate on the phone by calling the toll free number listed at the top of the agenda and entering the Meeting ID and passcode when prompted.

How to Participate and Provide Public Comment

There are a few options for those who would like to participate in the public comment portion of the meeting. Please keep in mind, all comments are part of the public record.

- **Watch the meeting on ZOOM.** During the Public Comment period of the agenda, the chair will ask if there are any public comments. To make public comment, please do the following:
 - Click on the "raise hand" icon. After you click the icon, your name or a portion of your phone number will be announced and your microphone will be unmuted during the designated time.
 - Please have a working microphone connected to your computer to be able to speak so you can be heard by the meeting participants and attendees and refrain from having any background noise.
- **Call the ZOOM meeting line toll free.** To make public comment, please do the following:
 - To indicate that you would like to speak, enter "*9" (star 9). The system will identify that you wish to provide comment and when it is your turn, the Chair will identify a portion of your phone number to identify you and your phone will be unmuted during the designated time.
- **Provide written comment.** Written comment will be accepted until 12:00PM on the day of the Planning Commission meeting. Comments may be emailed to ssmith@co.schuylkill.pa.us or they can be left at the Planning dropbox at the entrance to the courthouse.

Planning Commission Members and Staff will meet in person. The Public may attend in person or virtually. The meeting will be recorded using ZOOM.

Zoom Meeting Link: <https://zoom.us/j/98965977253?pwd=V0xBUEXNzZLQURXcXVBUWlidTUwQT09>

Passcode: 938049

Webinar ID: 989 6597 7253

Telephone Number: US: +1 646 558 8656 or +1 301 715 8592

1. **Attendance and Call to Order**
2. **Public Comment**
3. **Approval of Minutes**
4. **County Governed Plans**

	Subdivision	Municipality	Tax Parcel Number(s)	Recommended Action	Reviewing Engineer	Action by PC No Later Than
4.1	Annexation Final Plan for Ernest L Klinger & Sandra M Klinger	Upper Mahantongo Township	31-07-0024.000, 31-03-0009.000, 31-03-0010.000	Conditional Final Plan Approval (Feb)	Lisa Mahall	1/11/2022
4.2	Annexation Final Plan of Subdivision for Rausch Creek Land LP	Porter Township	22-03-0008.000, 22-03-0021.000	Conditional Final Plan Approval (Feb)	Lisa Mahall	1/11/2022
4.3	Final Land Development Plan for Jesse Z & Sadie K Fisher	Upper Mahantongo Township	31-04-0040.000	Conditional Final Plan Approval (Feb)	Dottie Sterner	12/7/2021
Waiver Request of Section 1121.O.1.a: A waiver has been requested in writing from Section 1121.O.1.a, which requires that a stormwater retention or detention basin be located at least 50 feet from any structure, whether existing or proposed.						
4.4	Revised Final Subdivision & Land Development Plan for Rausch Creek Logistic Center for Rausch Creek Logistics Center Owner, LLC	Frailey Township	12-04-0024.000	Conditional Final Plan Approval (Feb)	Dottie Sterner	12/7/2021
4.5	Major Subdivision & Lot Annexation Preliminary Plan of Subdivision for Moon Lake Association Inc	Barry Township	01-07-0029.000	Preliminary Plan Approval	Dottier Sterner	11/10/2021

5. **Extension Requests**
 - 5.1 **Extension of time for a Planning Commission decision**

5.1.1 AutoZone Retail Auto Parts Store, No. #2800, East Norwegian Township

5.2 **Extension of time for Planning Commission conditional approval**

- 5.2.1 Kovalewski Subdivision, Union Township
- 5.2.2 Eagle Rock ER 7 Well Station Land Development Plan, North Union Township
- 5.2.3 Final/Preliminary Land Development for the ESPOMA Facility, Frailey Township

5.3 **Notification of Expiration of Time Extensions (no action required) (None)**

6. **Act 247 Reviews**

6.1 **Plan Reviews (See Attachments)**

	Subdivision	Municipality	Tax Parcel Number(s)
6.1.1	Revised Plan of Record – Murphy Subdivision	West Brunswick Township	35-11-0037.000
6.1.2	Final Subdivision Plan of Lands of Richard W Troxell & Judy A Troxell	West Penn Township	37-09-0023.001
6.1.3	The Gables at Sharp Mountain Condominium Association – Lot 3 Subdivision	Pottsville City	68-53-0052.011

6.2 **Act 247 Municipal Reviews of Plans and Ordinances**

- 6.2.1 Port Carbon Borough Proposed Ordinance Rescinding Zoning Ordinance
- 6.2.2 Hegins Township Proposed Zoning Amendments

7. **Project Review List (See Attachments)**

8. **Zoning Report (See Attachments)**

9. **Planning Director's Report**

10. **New Business**

- 10.1 Review of Proposed Schuylkill County Zoning Ordinance Amendments
- 10.2 2022 Schuylkill County Planning Commission Meeting Schedule

11. **Adjournment**



**Planning Commission
Schuylkill County
MINUTES – October 13, 2021**

Commission Members Present: David Briggs, Vice Chairman; Bob Lettich, Secretary; Gary Bender; David Sattizahn; Nicholas Boyle; Joseph Palubinsky; Travis Smeltz

Commission Members Absent: John Malinchok, Chairman; Jesse Fey

Press Attending: None

Guests: Ryan Frenya*; Sheila Johnson* **Joined by ZOOM*

Staff Attending: Susan Smith, Planning Director; Chris Hobbs, Esq., Assistant County Solicitor

Reviewing Engineers: Lisa Mahall, P.E.

The monthly meeting of the Schuylkill County Planning Commission was called to order by David Briggs on Wednesday, October 13, 2021 at 6:00 PM. This meeting was held in person along with a virtual option using ZOOM.

PUBLIC COMMENT

None

APPROVAL OF MINUTES

The minutes of the regular Planning Commission meeting held on September 8, 2021 were approved by the Planning Commission.

MOTION: On the motion of Mr. Lettich, seconded by Mr. Boyle, the Planning Commission unanimously approved the minutes of the September 8, 2021 Planning Commission Meeting.

COUNTY SUBDIVISION AND LAND DEVELOPMENT PLANS

Three plans were submitted to the Planning Commission.

DEVIL'S HOLE SUBDIVISION

Frailey Township
12-04-0033.000, 12-04-0034.000

MOTION: On the motion of Mr. Bender, seconded by Mr. Boyle, the Planning Commission unanimously granted Final Plan Approval.

KENNETH AND SHEILA JOHNSON LOT ANNEXATION

North Union Township
19-12-0004.000

- A Deed of Annexation must be submitted to the County Planning Office for review and approval by the Schuylkill County Planning Commission's Solicitor prior to final plan approval (Section 404.D). All deeds must include specific language as required in Section 404.D. Examples of deeds can be found on the County Planning website under "Subdivision and Land Development". Please note that per County policy, the Planning Commission Solicitor is afforded at least one (1) week for review of submitted documents.

MOTION: On the motion of Mr. Palubinsky, seconded by Mr. Smeltz, the Planning Commission unanimously granted Conditional Final Plan Approval until the January Planning Commission Meeting.

FINAL SUBDIVISION PLAN SHOWING LANDS NOW OR FORMERLY OF ROGER D. SNYDER

Eldred Township
10-07-0047.001

MOTION: On the motion of Mr. Lettich, seconded by Mr. Boyle, the Planning Commission unanimously granted Final Plan Approval of a revised plan, which received Conditional Final Approval at the April 14, 2021 Planning Commission meeting.

EXTENSION REQUESTS

None

ACT 247 REVIEWS

PLAN REVIEWS

County staff reviewed 6 plans for the September Planning Commission meeting cycle.

1. DiCasimirro Minor Subdivision Final Plan, Mahanoy Township
2. Final Annexation Plan of Lands of Brandon Michael Devlin & Rebecca Deatrich Devlin, South Manheim Township
3. Final Plan of Record of Annexation of Lot# 2605 and Lot# 2583 of Barry M. and Rosemary A. Levine, South Manheim Township
4. Preliminary/Final Land Development Plan Newswanger Livestock Barns, Wayne Township
5. Lehrman Minor Subdivision Final Plan, West Penn Township
6. Preliminary/Final Subdivision & Land Development Plan for St. John's Luthern Church of Ringtown, Ringtown Borough

MOTION: On the motion of Mr. Sattizahn, seconded by Mr. Smeltz, the Planning Commission unanimously approved the Municipal Plan Reviews.

ORDINANCE REVIEWS

East Union Township Zoning Ordinance Amendments

MOTION: On the motion of Mr. Smeltz, seconded by Mr. Palubinsky, the Planning Commission unanimously approved the staff reviews of proposed East Union Township Zoning Ordinance Amendments.

ACT 537 REVIEWS

None

PROJECT REVIEW LIST

The Planning Commission members reviewed the Project Review Report for the October Planning Commission meeting cycle.

ZONING REPORT

The Zoning Report for the month of September was reviewed by the Planning Commission.

MOTION: On the motion of Mr. Lettich, seconded by Mr. Sattizahn, the Planning Commission unanimously accepted the Zoning Report.

	September	Year To Date
Number of Permits Requested	5	148
Total Fees Collected	\$570.00	\$14,215.00

NEW BUSINESS

None

PLANNING DIRECTOR'S REPORT

Ms. Smith discussed how busy the Planning Commission meeting for the month of November is going to be. She also reminded the members to respond to the agenda email.

ADJOURNMENT

There being no further business to discuss, on a motion by Mr. Boyle seconded by Mr. Lettich, the meeting was adjourned. The next scheduled meeting date is November 10, 2021

Attest:

Secretary:

**REVIEWING ENGINEERS REPORT
SCHUYLKILL COUNTY PLANNING COMMISSION**

Meeting date: November 10, 2021

Subdivision Name:	Annexation Final Plan for Ernest L. Klinger & Sandra M. Klinger
Municipality:	Upper Mahantongo Twp.
Zoning District:	A-Agricultural
Intended Use:	Residential
Total Acres:	233.07
UPI Number:	31-03-0009.000, 31-03-0010.000, 31-03-0010.002, 31-03-0010.001
Number of Lots:	2
Surveyor of Record:	Bradley A. Zeigler PLS/Howard D. Taylor & Associates
Date of Plan:	July 26, 2021

COMMENTS:

1. A Deed of Annexation must be submitted to the County Planning Office for review and approval by the Schuylkill County Planning Commission's Solicitor prior to final plan approval (Section 404.D). All deeds must include specific language as required in Section 404.D. Examples of deeds can be found on the County Planning website under "Subdivision and Land Development". Please note that per County policy, the Planning Commission Solicitor is afforded at least one (1) week for review of submitted documents.

SCHUYLKILL COUNTY ZONING OFFICER'S REPORT:

While the plan appears to comply with the regulations of the Zoning Ordinance, the following comments should be addressed:

1. The building height is noted as 35 feet, the note should read "40 feet" as indicated in Section 307.B.3.

REVIEWING ENGINEERS REPORT SCHUYLKILL COUNTY PLANNING COMMISSION

Meeting date: November 10, 2021

Subdivision Name:	Annexation Final Plan for Rausch Creek Land, L.P.
Municipality:	Porter Twp.
Zoning District:	CM- Conservation Mining
Intended Use:	
Total Acres:	87.32 & 117.59
UPI Number:	22-03-0021.000, 22-03-0008.000
Number of Lots:	4
Surveyor of Record:	Mark J. Brinkash, PLS/Brinkash & Associates, Inc.
Date of Plan:	August 6, 2021

COMMENTS:

1. A Deed of Annexation has been submitted to the County Planning Office for review and has been approved by the Schuylkill County Planning Commission's Solicitor (Section 404.D).

SCHUYLKILL COUNTY ZONING OFFICER'S REPORT:

While the plan appears to comply with the regulations of the Zoning Ordinance, the following comments should be addressed:

1. In the "CM" Zoning Dimensional Requirements Notes, the notes should read as follows:
 - a. Minimum lot area for single family dwelling:
 - o 35,000 square feet with **public sewage and public water service.**
 - b. Minimum lot width:
 - o 150 feet-without **public sewage and without public water service.**
 - o 125 feet-with **public sewage or public water service.**
 - o 75 feet-with **public sewage and public water services.**

REVIEWING ENGINEERS REPORT
SCHUYLKILL COUNTY PLANNING COMMISSION
Meeting Date: November 10, 2021

Final Land Development Plan Name: Jesse Z. & Sadie K. Fisher
Municipality: Upper Mahantongo Township
Zoning District: A - Agriculture
Intended Use: Two Chicken Houses
UPI Number(s): 31-04-0040
Number of Lots: 1
Surveyor & Engineer of Record: Burch Associates
Date of Plan: 07/30/21, Revised 10/25/21; 6 Sheets
Reviewed By: WJP Engineers

COMMENTS:

MATERIALS RECEIVED

1. County Forms:
 - a. Appendix B Application for Land Development Plan dated 07/30/21.
 - b. Appendix C.2 Minor Final Plan Checklist
2. Operation and Maintenance (O&M) Agreement dated July 2021, partially executed.
3. Plan:
Dwg. No. SKL-101, sheets as 1 to 6 of 6, dated 07/30/21, revised 10/25/21, by Burch Associates.
4. Post Construction Stormwater Management Plan Narrative, prepared by Burch Associates, dated July 29, 2021.
5. Response comments from William R. Burch, P.L.S. dated 10/25/21.

PROJECT DESCRIPTION

This site is located north of Ridge Road in Upper Mahantongo Township just east of Valley Road.

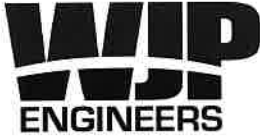
ZONING:

Specifically, our review is limited to conformance to the county SALDO; however, see separate Zoning Report.

SCHUYLKILL COUNTY SUBDIVISION REGULATIONS

1. Section 802.G.1 – The Operation and Maintenance Agreement should be signed by Upper Mahantongo Township.

2. Section 804.D.1 – The plan notes that the boundary is not a field survey. This seems appropriate for the scope of the project.
 3. Section 804.J – Profiles of the proposed storm drainage should show the proposed building over the piping including foundation, footings, finishing floor and existing grade.
 4. Section 804.K.3 – Pipe backfill for piping under the proposed building should coarse aggregate to the surface.
 5. Section 805.O.P&Q – Development Schedule, Cost Estimate and Financial Security should be provided in accordance with Article 9.
 6. Section 1121.O.1.a – The basin should be greater than 50-feet from the proposed building. A modification has been requested by the applicant due to slope limitations.
- .



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LETTER OF TRANSMITTAL

VIA EMAIL

TO: Schuylkill County Planning Commission
Schuylkill County Courthouse
401 North Second Street
Pottsville, PA 17901

Attention: Susan A. Smith, Director

FROM: Dorothy A. Sterner, P.E.

RE: Rausch Creek Logistics
Revised Final Land Development and Subdivision Plan
Frailey and Tremont Townships, Schuylkill County

PROJECT NO: 2002-1

DATE: October 14, 2021

COPIES: Lisa Mahall, P.E. w/attachment
Sevie Yeneshosky, w/attachment
FileTRANS-04

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DESCRIPTION OF TRANSMITTED MATERIALS:

One copy of the following:

Reviewing Engineers Report for meeting date November 10, 2021.

SPECIAL INSTRUCTIONS:

For your consideration.

REVIEWING ENGINEERS REPORT
SCHUYLKILL COUNTY PLANNING COMMISSION
Meeting Date: November 20, 2021

Land Development and	
Subdivision Name:	Rausch Creek Logistic Center
Municipality:	Frailey and Tremont Townships
Zoning District:	IC (Industrial Commercial)
Intended Use:	Industrial Park
UPI Number(s):	12-04-0024.000
Number of Lots:	Two Lots
Engineer of Record:	Snyder Secary & Associates, LLC
Date of Plan:	09/10/2021; 85 sheets
Reviewed By:	WJP Engineers

D. Stern
10-14-2021

COMMENTS:

PROJECT DESCRIPTION

The site is located along the north side of State Route 209 west of Franklin Road in Frailey Township. This is a revision to the plan of record.

MATERIAL RECEIVED

1. Snyder, Secary & Associates, LLC letter dated September 20, 2021.
2. Appendix B Application for Consideration of Subdivision and/or Land Development Plan dated 09/06/2021.
3. Appendix C.5 Major Final Plan Checklist
4. Post-Construction Stormwater Management Report Addendum form Snyder, Secary & Associates, LLC, dated September 10, 2021.
5. Revised Final Subdivision and Land Development Plan by Snyder, Secary & Associates, LLC, dated 09/10/21, 85 Sheets.

ZONING:

Specifically, our review is limited to conformance to the county SALDO; however, see separate Zoning Report.

SCHUYLKILL COUNTY SUBDIVISION REGULATIONS

1. **Sections 802.C.5.c, 804.H.2, and 805.S.5** – The revised plan should be submitted to the Schuylkill Conservation District (SCD) for review and confirmation if a modification to the NPDES Permit is needed.

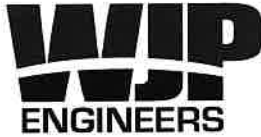
Schuylkill County Planning Commission

RE: Rausch Creek Logistics

October 14, 2020

Page 2 of 2

2. **Section 803** – The plan should reference prior recording information and clearly state that this is a revision to the plan on record. The Planning Commission solicitor may want to review this language.
3. **Section 804.B.1** – The applicant has stated that a reduced version of the plan will be provided prior to recording.
4. **Section 805.P** – A revised Cost Estimate should be provided for the revised plan.
5. Several drafting / plotting items were emailed to the applicant's engineer. They have stated that they will be corrected in future plots.



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LETTER OF TRANSMITTAL

VIA EMAIL

TO: Schuylkill County Planning Commission
Schuylkill County Courthouse
401 North Second Street
Pottsville, PA 17901

Attention: Susan A. Smith, Director

FROM: Dorothy A. Sterner, P.E. *DAS 7-20-21*

RE: Moon Lake Association, Inc.
Major Subdivision and Lot Annexation
Preliminary Plan
Barry Township, Schuylkill County, PA

PROJECT NO: 2102-2

DATE: July 20, 2021

COPIES: Lisa Mahall, P.E. w/attachment
Sevie Yeneshosky, w/attachment
FileTRANS-01

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DESCRIPTION OF TRANSMITTED MATERIALS:

One copy of the following:

Reviewing Engineers Report for meeting date August 11, 2021.

SPECIAL INSTRUCTIONS:

For your consideration.

REVIEWING ENGINEERS REPORT
SCHUYLKILL COUNTY PLANNING COMMISSION
Meeting Date: August 11, 2021

Preliminary Subdivision and

Annexation Plan Name:	Moon Lake Association, Inc.
Municipality:	Barry Township
Zoning District:	R-3 (High Density Residential) / CR (Conservation Residential)
Intended Use:	Not for Development Lots
UPI Number(s):	01-07-0029.000
Number of Lots:	5
Surveyor & Engineer of Record:	Brinkash & Associates, Inc.
Date of Plan:	04/27/21; 1 Sheet
Reviewed By:	WJP Engineers

D. Stein
7-20-21

COMMENTS:

MATERIALS RECEIVED

1. County Forms:
 - a. Appendix B Application for Land Development Plan dated 05/01/21.
 - b. Appendix C.4 Major Preliminary Plan Checklist
2. Plan:

File No. 2999-4-21, Sheet 1 of 1, dated 04/27/21, by Brinkash & Associates, Inc.

PROJECT DESCRIPTION

This site is located south of Beury Lake in Barry Township just north of Schuylkill County Airport property.

ZONING:

Specifically, our review is limited to conformance to the county SALDO; however, the alternate Zoning Officer has requested that we add the following comment to this report.

The applicant should furnish a draft deed for the lots, which includes the grant of easement. The grant of easement must meet the requirements of Section 801.A.1 of the Schuylkill County Zoning Ordinance. Additionally, the applicant should explain and demonstrate that the easement meets the requirement of Section 801.A.1.k, which states that "the access easement shall be improved to be suitable for access by a fire truck and ambulance, with an area for turnaround."

SCHUYLKILL COUNTY SUBDIVISION REGULATIONS

1. Sections 703.D.5.d&e – The plan notes soils information however, the soil boundaries and classifications are not shown. Soil Type ArB is hydric, and its location should be shown to determine if there is a potential for wetlands .

2. Sections 703.E.3.c&d, 703.F, 703.G and 703.H – The plan notes that the lots are not for development / recreational use, and therefore, water, sewer, stormwater, E&S are not shown on the plan.
3. Sections 704.C and 704.D.2 – The Non-Building Waiver Sewage Facilities Planning Module should be submitted, and written acknowledgement from PA DEP should be provided prior to final plan approval.
4. FEMA recently completed an update of the Schuylkill County Floodplain Maps. The new map effective date is 05/18/21.
5. A Deed of Annexation must be submitted to the County Planning Office for review and approval by the Schuylkill County Planning Commission's Solicitor prior to final plan approval (Section 404.D). All deeds must include specific language as required in Section 404.D. Examples of deeds can be found on the County Planning website under "Subdivision and Land Development". Please note that per County policy, the Planning Commission Solicitor is afforded at least one (1) week for review of submitted documents.



SURVEYORS & ENGINEERS, LLC

"...That which does not kill us makes us stronger..."

(Conan The Barbarian)

375 Northgate Drive
Warrendale, PA 15086
PH: (724) 934-2810
FAX: (724) 934-2811
www.mdmlc.com

November 3, 2021

Susan A. Smith, Planning Director
Schuylkill County Planning & Zoning Commission
401 N. Second Street
Pottsville, PA 17901
570-628-1038

RE: AutoZone Store #2800
489 Pottsville St. Clair Highway
E. Norwegian Twp. & Borough of St. Clair, Schuylkill County, PA
Planning Review Extension Request Letter

Dear Ms. Smith:

Please accept this letter as our request for a 90-day extension from the Planning Commission action in regard to their review and approval for the above referenced project.

We are requesting this extension to allow for the time needed to respond to the review letter comments, specifically in regard to securing the HOP from PennDOT (review in process) and review/comments from St. Clair Borough (review in process). We wanted to ensure that any review comments that they might have with regard to the plan drawings are fully shown on the plans that would be provided to the Planning Commission for their review.

Please contact me at 724-934-2810, x-13 or edvorchak@mdmlc.com if you have any questions or need additional information.

Sincerely,

Eugene S. Dvorchak, PE
Senior Engineer

Cc: Kevin Murphy, AutoZone Development, LLC
Roland Price, Saint Clair Borough
MDM, LLC files

Diane Lenick P.L.S.

2068 Old Phoenix Road, Pottsville, PA 17901

Phone (570) 544-8284

October 29, 2021

Schuylkill County Planning Commission
c/o Susan Smith, Director
Schuylkill County Courthouse
Pottsville, Pa. 17901

**RE: Kovalewski Subdivision
Request for Extension of time.**

Dear Ms. Smith:

On behalf of my client, Charles Kovalewski, I am requesting a 90 day time extension to expire on February 8, 2022 for the above referenced subdivision application as follows:

Extension of time for Department of Environmental Protection (DEP) to provide written approval for the installation of an on-lot sewage system, a condition of this subdivision approval. Application was made to DEP June 2021

Thank you for your consideration.

If you have any questions, please contact me.

Respectfully,



Diane M. Lenick P.L.S.



November 3, 2021

Reference No. 11153049.530

Schuylkill County Planning Commission
Attention: Susan Smith, Director
401 North Second Street
Pottsville, PA 17901

Dear Planning Commission:

**Re: Aqua PA Eagle Rock ER-7 Well Station
12 Month Extension Request**

Aqua Pennsylvania, Inc. (Aqua) would like to request that the Schuylkill County Planning Commission grant an additional extension until the November 2022 Planning Commission meeting for Aqua to meet all of the conditions specified by the Commission for approval of the above-mentioned land development project.

Below is a list of the outstanding conditions that are required as part of the Commission's approval:

1. SRBC Approval: the Susquehanna River Basin Commission has continued to postpone hearing the ER-7 project at their quarterly meetings. The only feedback that Aqua has received from the SRBC is that they are still reviewing the application.
2. Financial Security & Bonding: Aqua's council at Marshall Dennehey previously worked with the Planning Commission's Solicitor to prepare a Developer's Agreement. Aqua's bonding company will issue a bond after the outstanding approvals are obtained.

Sincerely,

GHD

A handwritten signature in blue ink, appearing to read "PBoggs", is written over a faint, light blue circular stamp.

Patrick Boggs
Project Engineer

cc:

Josh Shoff, Aqua PA (via email)
John Nealon, Marshall Dennehey (via email)
Jon Morris, GHD (via email)



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November 3, 2021

Ms. Susan A. Smith,
Planning Director
Schuylkill County Planning and Zoning Commission
401 N. Second Street
Pottsville, PA17901

**SUBJECT: Conditions of Final Land Development Approval
The Espoma Company
Frailey Township, Schuylkill County, PA
EARTHRES Project No. 191021.006**

Dear Ms. Smith:

On behalf of The Espoma Company (Espoma), Earthres Group, Inc. (EARTHRES) is hereby requesting an extension from the Conditional Approval granted by the Planning Commission granted this year.

Please be advised that the project is still under review by outside agencies. I believe the comments and approvals will be secured by the March 2022 Planning Commission meeting.

In the meantime, please contact me at (215) 766-1211 ext. 143 with any questions or comments.

Sincerely,
Earthres Group, Inc.

David Allen, P.E.
Senior Project Manager

CC:

James Meckley, The Espoma Company (via email w/ enclosures)
Mike Ferguson, AR Process Solutions (via email w/ enclosures)



Schuylkill County Planning and Zoning
401 N Second St
Pottsville PA 17901
Office Phone: 570.628.1415
Office Fax: 570.628.1005

November 11, 2021

West Brunswick Township
95 Municipal Rd
Orwigsburg, PA 17961

SUBJECT: Act 247 Plan Review

Plan Name: Revised Plan of Record- Murphy Subdivision
Professional of Record: WJP Engineers
Owner(s)/Applicant(s): Kim A. Murphy
Tax Parcel Number(s): 35-11-0037.000
Plan Date: 10/15/2021
Date Received: 10/20/2021

Dear Municipal Officials:

This plan has been reviewed by the Schuylkill County Planning Commission staff, which has prepared the following comments in accordance with the Pennsylvania Municipalities Planning Code (§502). The comments are based on items we consider pertinent to this submission and are provided to assist you with your decision on this proposal. **This review was endorsed by the Schuylkill County Planning Commission at their November 10, 2021 meeting.**

PROJECT INFORMATION

Location	57 Summer Valley Rd, Orwigsburg, PA 17961
Zoning District(s)	A-P (Agricultural Preservation District)
Water	Proposed On-Lot
Sewer	Proposed On-Lot
Present Use	Agricultural, Residential
Proposed Use	Residential

The intent of this plan is to subdivide the lands of Kim A. Murphy (UPI No. 35-11-0037.000) to create two new residential lots and retain a smaller, residual residential lot with an existing farmhouse. On-lot water and sewer are proposed for the new residential lots. All modifications/waivers are noted on the plan.

COMMENTS

1. **UPI Certification:** The UPI number must be shown on all plans all plans and shall be certified by the County Assessment Office prior to recording in the County Recorder of Deeds Office.

Susan A. Smith
Director
570.628.1038
ssmith@co.schuylkill.pa.us

Bryce D. Buck
GIS Analyst/Planner
570.628.1423
bbuck@co.schuylkill.pa.us

Zoning Officer
570.628.1416
zoning@co.schuylkill.pa.us

Severine Yeneshosky
Administrative Secretary
570.628.1415
syeneshosky@co.schuylkill.pa.us

2. **Agricultural Zoning District Disclaimer:** The proposed project is located within an area zoned Agricultural. The Planning and Zoning Office recommends that if your municipal Zoning Ordinance contains a section similar to the '*Agricultural Nuisance Disclaimer*' found in the Schuylkill County Zoning Ordinance (§310.A.1) that it is to be added to the plan and disclosed to any new buyer.
3. **Proposed Private Water Supply:** It appears that this plan proposes on-lot water supplies. The property owner must maintain compliance with applicable Department of Environmental Protection (*DEP*) regulations.
4. **Proposed Septic System:** It appears that this plan proposes on-lot sewage systems. The Planning and Zoning Office recommends that the *Sewage Planning Module* be completed.
5. **Municipal Road Frontage:** If a driveway will access a municipal road, prior to construction of a new driveway, permission to connect to a municipal road should be requested from the municipality by the individual lot owner.

If you have any questions, feel free to contact me at (570) 628-1423 or by email at bbuck@co.schuylkill.pa.us.

Respectfully,

Bryce D. Buck
GIS Analyst/Planner



Schuylkill County Planning and Zoning
401 N Second St
Pottsville PA 17901
Office Phone: 570.628.1415
Office Fax: 570.628.1005

November 11, 2021

West Penn Township
27 Municipal Rd
New Ringgold, PA 17960

SUBJECT: Act 247 Plan Review

Plan Name: Final Subdivision Plan of Lands of Richard W. Troxell & Judy A. Troxell
Professional of Record: David S. Humenansky, P.L.S.
Owner(s)/Applicant(s): Richard W. Troxell, Judy A. Troxell
Tax Parcel Number(s): 37-09-0023.001
Plan Date: 08/24/2021
Date Received: 10/07/2021

Dear Municipal Officials:

This plan has been reviewed by the Schuylkill County Planning Commission staff, which has prepared the following comments in accordance with the Pennsylvania Municipalities Planning Code (§502). The comments are based on items we consider pertinent to this submission and are provided to assist you with your decision on this proposal. **This review was endorsed by the Schuylkill County Planning Commission at their November 10, 2021 meeting.**

PROJECT INFORMATION

Location	290 Winter Mountain Dr, Andreas, PA 18211
Zoning District(s)	AG (Agricultural District)
Water	Existing On-Lot
Sewer	Existing On-Lot
Present Use	Residential
Proposed Use	Residential

The intent of this plan is to subdivide the lands of Richard W. Troxell and Judy A. Troxell (UPI No. 37-09-0023.001) into two residential lots. An existing single family dwelling with two barns and a garage, and on-lot water and sewer, is located on the residual lot.

COMMENTS

- UPI Certification:** The UPI number must be shown on all plans all plans and shall be certified by the County Assessment Office prior to recording in the County Recorder of Deeds Office.

Susan A. Smith
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Zoning Officer
570.628.1416
zoning@co.schuylkill.pa.us

Severine Yeneshosky
Administrative Secretary
570.628.1415
syeneshosky@co.schuylkill.pa.us

2. **Signature Block:** A space has been provided on the submitted plan for the Schuylkill County Planning Commission to place a date and signature. The Planning and Zoning Office has a 1.5x3-inch official stamp that will be placed on the approved plan to acknowledge review for recording purposes. The signature block that has been provided should be removed on future plans.
3. **Agricultural Zoning District Disclaimer:** The proposed project is located within an area zoned Agricultural. The Planning and Zoning Office recommends that if your municipal Zoning Ordinance contains a section similar to the '*Agricultural Nuisance Disclaimer*' found in the Schuylkill County Zoning Ordinance (§310.A.1) that it is to be added to the plan and disclosed to any new buyer.
4. **Municipal Road Frontage:** If a driveway will access a municipal road, prior to construction of a new driveway, permission to connect to a municipal road should be requested from the municipality by the individual lot owner.

If you have any questions, feel free to contact me at (570) 628-1423 or by email at bbuck@co.schuylkill.pa.us.

Respectfully,

Bryce D. Buck
GIS Analyst/Planner



Schuylkill County Planning and Zoning
401 N Second St
Pottsville PA 17901
Office Phone: 570.628.1415
Office Fax: 570.628.1005

November 11, 2021

Pottsville City
401 N Centre St
PO Box 50
Pottsville, PA 17901

SUBJECT: Act 247 Plan Review

Plan Name: The Gables at Sharp Mountain Condominium Association- Lot 3
Subdivision
Professional of Record: Diane Lenick, P.L.S.
Owner(s)/Applicant(s): The Gables at Sharp Mountain Condominium Association
Tax Parcel Number(s): 68-53-0052.011
Plan Date: 06/15/2021
Date Received: 11/01/2021

Dear Municipal Officials:

This plan has been reviewed by the Schuylkill County Planning Commission staff, which has prepared the following comments in accordance with the Pennsylvania Municipalities Planning Code (§502). The comments are based on items we consider pertinent to this submission and are provided to assist you with your decision on this proposal. **This review was endorsed by the Schuylkill County Planning Commission at their November 10, 2021 meeting.**

PROJECT INFORMATION

Location	Sharp Mountain Rd, Pottsville, PA 17901
Zoning District(s)	R-1 (Single-Family Residential)
Water	N/A
Sewer	N/A
Present Use	Vacant
Proposed Use	Vacant

The intent of this plan is to separate Sharp Mountain Rd from the remainder of 'Lot 3' (UPI No. 68-53-0052.011). No development is planned as a result of this subdivision.

COMMENTS

1. **Municipal Road Frontage:** If a driveway will access a municipal road, prior to construction of a new driveway, permission to connect to a municipal road should be requested from the municipality by the individual lot owner.

Susan A. Smith
Director
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Zoning Officer
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Severine Yeneshosky
Administrative Secretary
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syeneshosky@co.schuylkill.pa.us

If you have any questions, feel free to contact me at (570) 628-1423 or by email at bbuck@co.schuylkill.pa.us.

Respectfully,

Bryce D. Buck
GIS Analyst/Planner

Land Use Review of Permits

Applicant	JLM Real Estate Investments LLC
Letter Received From	MBC Development LP
Municipality	Schuylkill Township
Location	SR 209 (Village of Brockton)
Activity	County Notification of Planned Land Development for Chapter 102 Permits

The proposed land development is the construction of a retail store (Dollar General), Associated Parking, utilities, and stormwater facilities.

Applicant	Branch Homes (Michael Barto)
Letter Received From	Light-Heigel
Municipality	West Brunswick Township
Location	Kimmel Rd
Activity	County Notification of Planned Land Development for Chapter 102 Permits

The proposed land development is a 7-lot residential subdivision at parcel 35-05-0043.000 with a project area of 18.7 acres and 5.9 acres of disturbance. This was a previously approved and recorded plan (Sunshine Fields). The purpose of this notification is to satisfy the requirements to renew the NPDES permit.

Applicant	HBEM Limited Partnership
Letter Received From	Ed Morgan
Municipality	Hegins Township
Location	23 Park Lane
Activity	County Notification of Planned Land Development for Chapter 102 Permits

The proposed land development is for the development of a tractor trailer parking lot and small office trailer and associated stormwater facilities.

Applicant	Blythe Township Municipal Authority
Letter Received From	SDE
Municipality	Blythe Township, Cass Township
Location	Silver Creek, Moss Glen and Crystal Run water filtration plans
Activity	Public Water Supply Minor Permit Amendment

Blythe Township Municipal Authority has applied to DEP for a Public Water Supply Minor Permit Amendment for the installation of Supervisory Control and Data Acquisition Systems at the authority's three water filtration plans.

Applicant	Blue Mountain Village/The Rhoades Organization
Letter Received From	McCarthy Engineering
Municipality	West Brunswick Township
Location	Between Kimmel's Rd and Breezy Acres
Activity	NPDES Permit

The applicant is applying for an NPDES permit associated with the Blue Mountain Village LDP at parcel 56-01-0053.001 with a project area of 29.36 acres and 28.5 acres of disturbance.

The remaining Land Use reviews are all NPDES reviews for CAFO's (Concentrated Animal Feeding Operations). DEP is requiring all CAFO's to do a renewal at this time.

Applicant	Brian Musser
Letter Received From	Red Barn Consulting
Municipality	Washington Township
Location	173 Hickory Rd
Activity	NPDES CAFO Renewal

The applicant is applying for the NPDES CAFO Permit covering his poultry operation.

Applicant	Dennis Mattern
Letter Received From	Red Barn Consulting
Municipality	Upper Mahantongo Township
Location	1366 Ridge Rd
Activity	NPDES CAFO Renewal

The applicant is applying for the NPDES CAFO Permit covering his poultry operation.

Applicant	Jarius Musser
Letter Received From	Red Barn Consulting
Municipality	Washington Township
Location	95 Ferebees Rd
Activity	NPDES Renewal

The applicant is applying for the NPDES CAFO Permit covering his poultry operation.

Applicant	Dale Stoltzfus
Letter Received From	Rosetree Consulting
Municipality	Washington Township
Location	160 Farm View Rd
Activity	NPDES CAFO Renewal

The applicant is applying for the NPDES CAFO Permit for his duck farm consisting of 37,600 animals.

Applicant	Haas Farm LLC
Letter Received From	Miller Plans
Municipality	Upper Mahantongo Township
Location	15 Haas Rd
Activity	NPDES CAFO Renewal

The applicant is applying for the NPDES CAFO Permit for his poultry layer operations. The operation consists of 180,000 layers in two barns.

Applicant	Dwight Manbeck
Letter Received From	Rosetree Consulting
Municipality	Wayne Township
Location	917 Schwartz Valley Rd
Activity	NPDES CAFO Renewal

The applicant is applying for the NPDES CAFO Permit for his hog farm consisting of 4800 animals.

Applicant	Joe Jurgielewicz & Son, LTD
Letter Received From	AET Agricultural Consulting
Municipality	Hegins Township
Location	866 E Mountain Rd
Activity	NPDES CAFO Renewal

The applicant is applying for the NPDES CAFO Permit for his duck farm.

Applicant	Collette Pullet/Linford Snyder
Letter Received From	Rosetree Consulting
Municipality	Washington Township
Location	334 Covered Bridge Rd
Activity	NPDES CAFO Renewal

The applicant is applying for the NPDES CAFO Permit for his poultry operation.

Applicant	Koch's Turkey Farm
Letter Received From	Rosetree Consulting
Municipality	Walker Township
Location	416 Valley Rd
Activity	NPDES CAFO Renewal

The applicant is applying for the NPDES CAFO Permit for their turkey farm. The operation consists of 121,400 turkey hens and 55,000 turkey toms.

Applicant	Greg Rhinier/Hegins Valley Layer Farm
Letter Received From	TeamAg
Municipality	Hubley Township
Location	824 Church Rd
Activity	NPDES CAFO Renewal

The applicant is applying for the NPDES CAFO Permit for their layer farm.

Applicant	Todd Heisler/Heisler's Egg Farm
Letter Received From	Rosetree Consulting
Municipality	Walker Township
Location	757 Valley Rd
Activity	NPDES CAFO Renewal

The applicant is applying for the NPDES CAFO Permit for their layer farm consisting of 253,000 laying hens.

Air Quality

The following facilities are submitting Air Quality Plans to DEP for Plan Approval

Municipality	Facility
Hegins Township	Pine Creek Structures LLC (Spring Glen)

Month		Permit Number	Zoning Hearing Board	Property Owners	Municipality	Tax Parcel Number(s)	Date Issued or Denied	Purpose	Sqft	Permit Fee	Zoning District	Construction Cost	Applicant
2021	10	19077		Rich, James G. & Ann L.	Washington Township	33-12-0033.010	10/05/21	Residential Accessory Structure (Storage Shed)	240	90	A	2,979	Rich, James G. & Ann L.
2021	10	19078		Snyder, Ronald L. & Denra Ann	Washington Township	33-04-0105.000	10/05/21	Residential Single Family Dwelling	2767	90	A	320,000	Snyder, Ronald L. & Denra Ann
2021	10	19079		Ditzler, Linda J.	Washington Township	33-15-0078.001	10/05/21	Residential Single Family Dwelling	1216	90	A	135,000	Ditzler, Linda J.
2021	10	19080		Diehl, Melinda & Andrew	Washington Township	33-05-0012.017	10/05/21	Residential New Garage	1200	90	A	40,000	Diehl, Melinda & Andrew
2021	10	19081		Brummet, Brian & Heidi	Porter Township	22-16-0181.000	10/05/21	Residential Addition to Existing Building (Hair Salon)	448	90	R-3	90,000	Brummet, Brian & Heidi
2021	10	DENIED		Church of God	Frackville Borough		10/07/21			90	R-3		Frankenstein, Jeffrey - Pioneer Pole Building
2021	10	DENIED		Fehr, Lois	Washington Towship	33-05-0104.000	10/11/21			90	A		Nolt, Titus L.
2021	10	19082		Spangler, Gregory A.	Porter Township	22-19-0023.000	10/13/21	Residential Addition to Existing Building (Pole Building)	448	90	R-2	7,500	Spangler, Gregory A.
2021	10	19083		Schreiner, Eric & Elizabeth	Tower City Borough	66-01-0194.000	10/14/21	Residential Accessory Structure (Garage)	140	90	C-1	6,300	Schreiner, Eric & Elizabeth
2021	10	19084		Trumbo, Keith	Landingville Borough	47-02-0004.000	10/18/21	Accessory Structure (Garage)	1200	90	R-2	35,000	Trumbo, Keith
2021	10	19085		Morey, Keith & Stacey	North Union Township	19-18-0143.000	10/20/21	Residential Structure (Chalet with Attached Garage)	1920	90	R-3	249,000	Morey, Keith & Stacey
2021	10	19086		Lloyd, Stephen	Union Township	30-08-0029.001	10/20/21	Residential addition to Existing Building (Deck)	280	90	A	12,750	Lloyd, Stephen
2021	10	19087		Donmoyer, Randy	Washington Township	33-04-0030.006	10/20/21	Residential Single Family Residence	1443	90	A	275,000	Donmoyer, Randy
2021	10	19088		Beck, John G. & Joy D.	Eldred Township	10-07-0063.001	10/27/21	Residential Accessory Structure (Shed)	220	90	A	1,000	Beck, John G. & Joy D.
2021	10	19089		Skotek, Chelsey & Davidick, William	Union Township	30-06-0033.001	10/27/21	Non Residential Accessory Structure (Shed)	400	150	A	12,000	Skotek, Chelsey & Davidick, William
2021	10	19090		Residential Accessory Structure (Pavilion)	Washington Township	33-05-0059.005	10/27/21	Residential Accessory Structure (Pavilion)	384	90	A	13,560	Residential Accessory Structure (Pavilion)

2020 Zoning Permit Activity

	Number of Permits Requested	Total Revenue
January	12	1,590.00
February	10	990.00
March	14	1,890.00
April	13	1,350.00
May	20	4,860.00
June	22	1,890.00
July	41	11,130.00
August	17	2,670.00
September	18	1,410.00
October	22	2,280.00
November	12	1,650.00
December	6	450.00
Total (Year to Date)	207	32,160.00

2021 Zoning Permit Activity

	Number of Permits Requested	Total Revenue
January	17	\$1,710
February	10	\$930
March	17	\$2,040
April	17	\$1860.00
May	24	2,795.00
June	27	\$2,520.00
July	5	\$640.00
August	26	\$3,010.00
September	5	\$570.00
October	14	\$1,830.00
November		
December		
Total (Year to Date)	162	16,045.00

Wednesday, January 12

Wednesday, February 9

Wednesday, March 9

Wednesday, April 13

Wednesday, May 11

Wednesday, June 8

Wednesday, July 13

Wednesday, August 10

Wednesday, September 14

Wednesday, October 12

Wednesday, November 9

Wednesday, December 14

Wednesday, January 11

Ordinance No. ____

AN AMENDMENT TO THE SCHUYLKILL COUNTY ZONING ORDINANCE TO ESTABLISH A NEW ZONING ORDINANCE AND ZONING MAP FOR PORT CARBON BOROUGH, TO AMEND THE ZONING MAP WITHIN DELANO TOWNSHIP TO CHANGE APPROXIMATELY 60.1 ACRES ALONG DELANO ROAD FROM THE I-C TO THE R-2 ZONING DISTRICT, TO REVISE AND ADD DEFINITIONS, TO REVISE REGULATIONS REGARDING ZONING PERMITS AND SITE PLANS, TO CLARIFY DIMENSIONAL REGULATIONS IN THE R-3 DISTRICT, TO REQUIRE A SETBACK FROM AN EXISTING DOOR, WINDOW OR FIRE ESCAPE, TO REVISE REGULATIONS CONCERNING THE RAISING OF LIVESTOCK OR POULTRY, TO REVISE HOME OCCUPATIONS PROVISIONS, TO REVISE CERTAIN PARKING AND LOADING PROVISIONS, AND TO REGULATE SIGHT DISTANCES FOR DRIVEWAYS ENTERING ONTO A PUBLIC ROAD.

Under the authority and procedures of the Pennsylvania Municipalities Planning Code, as amended, the Board of Commissioners of Schuylkill County, Pennsylvania hereby adopts and enacts the following amendment to the Schuylkill County Zoning Ordinance:

Part One. New Zoning Ordinance for Port Carbon Borough.

The Schuylkill County Zoning Ordinance is hereby enacted as a New Zoning Ordinance for Port Carbon Borough, provided that Port Carbon Borough Council has enacted a repeal of their existing Zoning Ordinance. The attached map entitled "Exhibit A - Port Carbon Borough Zoning Map - Draft October 2021" is hereby enacted as the Zoning Map that applies within the Borough of Port Carbon.

In the listing of municipalities that are regulated by the County Zoning Ordinance, Port Carbon Borough shall be added.

Part Two. Zoning Map Amendment in Delano Township.

The attached map entitled "Exhibit B - Delano Township Zoning Map - Including Draft R-2 Map Amendment - October 2021" is hereby enacted as a revised Zoning Map for Delano Township. The Map reflects one change from the current I-C Industrial-Commercial District to the R-2 Medium Density Residential District, of an approximately 60.1 acre area of land along both sides of State Route 1012/Delano Road, and which is east and west of Buck Mountain Road, and west of Hazel Street. The proposed change is immediately east of the Mahanoy Township/Delano Township border.

Part Three. Zoning Text Revisions.

In Section 103.A. regarding zoning permits, the following new section is added:

"5. After a complete application for a permitted by right use has been duly submitted and all fees paid, a decision shall be made regarding the issuance of the zoning permit within a maximum of 90 days. An application that requires a special exception or conditional use approval or a variance shall be approved in compliance with the Pennsylvania Municipalities Planning Code time limits."

In Section 103.A.2 regarding zoning permits:

- A new subsection is added as follows: "m. driveways that enter onto a public road, as regulated by Section 802."
- In Section 103.A.3.g., the words "driveways and" are deleted.

In Section 103.D.2. regarding site plans, the existing text is replaced with the following revised text:

"2. Site Plan. The applicant shall submit a site plan with an application for: a) a new or expanded building or vehicle parking lot, or b) a new or expanded principal use, including a change in the type of use. The site plan shall be drawn to a graphic scale that is provided on the plan, and shall show the following information, as applicable:

- a. locations, dimensions and uses of existing and proposed structures, parking and loading areas, and locations of existing and proposed uses of areas of land, with existing features clearly distinguished from proposed features;
- b. notes showing the setbacks of all buildings from lot lines and street rights-of-way;
- c. locations of any watercourses and any 100 year floodplain;
- d. proposed lot areas, lot widths and other applicable dimensional requirements;
- e. locations and widths of any existing and proposed sidewalks;
- f. a north arrow;
- g. any proposed garbage dumpster location; and
- h. such additional information as the Zoning Officer determines is necessary to determine compliance with this Ordinance."

In Section 202, the following is added to the definition of "Adjacent": "When the term adjacent is applied to lots, it shall mean lots that are abutting or that are only separated by road, railroad, right-of-way or waterway."

In Section 202, add the following new definition:

"Construction Company or Tradesperson's Headquarters - A building and land used as the base for a business that engages in building trades, such as the construction of buildings or the provision of plumbing, electrical work, excavation, landscaping, janitorial and similar services. This term may include the storage of vehicles and equipment in working order or actively under repair, but shall not include a junkyard. This use may include storage of materials that are necessary to conduct the company's work."

In Section 202, the existing definition for "Livestock and Poultry, Intensive Raising of" is replaced by the following new definition:

"A. Livestock and Poultry, Intensive Raising of. This term shall involve a use that meets one of the following definitions:

1. Concentrated Animal Feeding Operation (or CAFO). A type of raising of livestock or poultry use that meets one or more of the following standards: a) it is a CAO with greater

than 300 AEUs, b) it is an agricultural operation with greater than 1,000 Animal Equivalent Units (AEUs), or c) it meets regulations of the U.S. Environmental Protection Agency as a "large CAFO." (Note - As of 2021, such EPA regulations were in 40 CFR 122.23(b)(4).)

2. Concentrated Animal Operation (or CAO). A type of raising of livestock or poultry use that meets both of the following criteria: 1) it includes 8 or more AEUs and 2) the animal density exceeds 2 AEUs per acre on an annualized basis."

In Section 202, under the definition of "Minor Home Occupation", remove the definition of a "No Impact Home Based Business."

In Section 306.G.3. regarding dimensional requirements for the R-3 district, in subsection d, after "with public water services" add: ", or with public sewage or public water services."

Add a new subsection 311 as follows:

"311. Setbacks from a Window, Door or Fire Escape. Any new or expanded building shall maintain a minimum 3 feet wide setback from an existing building window or door opening on another property, unless the principal owner of such adjacent building provides a written, signed and notarized waiver of the setback. This setback requirement shall not apply from a window on a storage shed of less than 150 square feet of floor area, or where the window or door is on a wall that is perpendicular to the lot line and therefore will not be obstructed by a lesser setback. A new structure or expansion of a structure shall also not obstruct the access for a fire escape. This section 311 shall apply unless a more restrictive setback is required under another ordinance requirement or the Uniform Construction Code."

In Section 402.A.28 regarding "Livestock and Poultry, Intensive Raising of", the following revisions are made:

- The word "Intensive" shall be removed from the title of the section.
- In subsection b, the following additional text is added:
"For a Livestock and Poultry Use that is not Intensive, any new or expanded building used for the keeping of livestock and poultry shall be located a minimum of: 1) 200 feet from a lot in a R-2 or R-3 district, 2) 100 feet from an existing dwelling that is not within a R-2 or R-3 district, and 3) 50 feet from all other exterior lot lines."
- The following new subsection is added as follows:
"g. For manure storage facilities that are specifically required to have a setback from lot lines under the State Nutrient Management regulations, that State setback shall apply. For any other manure storage facilities, a 100 feet minimum setback shall apply from all lot lines."
- The following new subsection is added as follows:
"h. In determining whether a Livestock or Poultry Use is Intensive, land that is in the same ownership or leased by the same entity or a closely related entity may be included in the acreage calculation, provided that all of the lots are adjacent to each other."

Section 403.D.6. regarding home occupations is revised as follows:

- In subsection a.(1), the following text is added: "Any higher number of employees operating from the home occupation lot shall cause the use to be considered a principal commercial use, and not a home occupation. Persons who travel directly from their home to a job site, without regularly coming to the home occupation lot, shall not be regulated within the maximum number of employees. Persons who work from their home without regularly coming to the home occupation lot, shall not be regulated within the maximum number of employees."
- Subsection b.(9) is revised to the following: "any other activity that meets the additional requirements in subsection c. below."
- Subsection c. is re-lettered to be subsection d.
- A new subsection c. is added as follows:

"c. In order to be considered a Minor Home Occupation, the use shall also meet the following requirements (which incorporate the minimum standards for a No Impact Home-Based Business in the Pennsylvania Municipalities Planning Code but in a more permissive manner):

 - (1) The use shall not routinely involve customer, client or patient traffic in excess of what is normally associated with a residential use.
 - (2) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
 - (3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
 - (4) There shall be no outside appearance of a business use, other than necessary parking, one Home Occupation sign, and security lighting.
 - (5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
 - (6) The business activity shall not generate any solid waste or sewage discharge that is more hazardous than is not normally associated with residential uses.
 - (7) The business activity shall be conducted only within a building.
 - (8) The business shall not involve any illegal activity.
 - (9) The home occupation shall occur on the same lot as the dwelling of the primary operator."

In Section 601.B.2.b. regarding parking requirements, replace "602.C.2" with "602.C.1." Add the following text:

"The grandfathering requirements in Section 602.C.1. may still allow an existing commercial use to be replaced with a new dwelling unit without providing additional parking spaces, if the dwelling unit would require the same number or less parking spaces than the commercial use. For example, if an office is replaced with a dwelling unit, and the office required 2 parking spaces and the dwelling unit also required 2 parking spaces, then the apartment would not be required to provide additional parking spaces."

In Section 602.C. regarding parking requirements, replace 602.C.2. with the following:

"2. See also Section 602.B., which may allow a modification of parking requirements within a Borough."

In Section 604.A. regarding loading facilities, add the following:

"If the applicant proves to the Zoning Officer that an existing lot in a C-1 or TC district has no feasible way to provide truck loading facilities, then loading facilities shall not be required. In such case, the applicant shall still describe the expected amount of deliveries and how they will be accomplished."

A new Section 802 is added as follows:

"802. Driveways that Enter Onto a Public Road.

- A. See Section 603.C. concerning driveway widths and drainage.
- B. A zoning permit shall be required for the construction of a new or relocated driveway that will have motor vehicles entering onto a public road. The permit application shall include information about the width of the driveway and show compliance with any maximum impervious coverage requirement.
- C. The following Section 802.D. shall not apply if the applicant shows that the municipality (such as through a Municipal Driveway Ordinance), the applicable Subdivision and Land Development Ordinance, or PennDOT will regulate the minimum clear sight distances required where a new or relocated driveway will enter a public road, and that there will be compliance with such requirement.
- D. Where a new motor vehicle driveway is proposed to have vehicles enter onto a public road that is not a PennDOT road, the applicant is required to submit a plan prepared by a qualified professional to show that the driveway will meet the minimum clear sight distances that would apply under PennDOT regulations as if the driveway would enter onto a PennDOT road.
 1. An existing driveway that does not meet this sight distance requirement may be relocated, provided the new location has equal or greater sight distances compared to the existing driveway.
 2. If a new driveway is not able to meet the minimum sight distances at any location on the lot, then the driveway shall be located where there are maximum available sight distances, and the driveway may be required as a condition of the permit to include a sign limiting vehicle entrances onto the public road to right turns only."

Part Four. Repealer. All ordinances or parts thereof inconsistent with the provisions of this Ordinance Amendment are hereby repealed to the extent of the inconsistency.

Part Five. Severability. The provisions of this Ordinance Amendment are declared to be severable. If any provision of this Ordinance Amendment is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance Amendment or other sections of the Zoning Ordinance.

Effective Date. This Ordinance shall be effective January 1, 2022.

This Ordinance is hereby ENACTED and ORDAINED this
_____ date of _____, 202__.

ATTEST:

**BOARD OF COMMISSIONERS OF
SCHUYLKILL COUNTY**

County Clerk

Chairperson