

# APPROVED

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## **FRANKLIN TOWNSHIP PLANNING COMMISSION MEETING MINUTES October 3, 2019**

**Call to Order:** Vice Chairman Mark Harris called the meeting to order at 7:15 p.m. Present were Planning Commission (PC) members Chuck Phillips and Brent Van Lith. Dr. Hoffman and Mr. Gontarz were absent. PC Alternates Zach Elwyn and Paul Lagasse were also present. Also in attendance on behalf of the Township were Township Engineer Pete Eisenbrown, Township Mgr. Joan McVaugh, Assistant Township Mgr. Jeff Eastburn, and Secretary Sharon Norris. Board of Supervisors' Chairman John Auerbach was present as a member of the public.

**Public Comment:** There was no public comment.

### **Approval of Minutes:**

- a. *September 5, 2019:* Mr. Phillips moved, seconded by Mr. Van Lith to approve the September 5, 2019 PC minutes as submitted. Motion passed 3-0.

### **Planning & Zoning:**

- a. *Green Energy Alternative Ordinance:* Township Engineer Pete Eisenbrown provided the PC members with an updated draft of the ordinance. The yellow highlighted sections reflect Mr. Eisenbrown's revisions based on the PC's discussion at last month's meeting. Highlighted text printed in red indicates an issue or question for the PC's further consideration. Sections A and B are now entitled Accessory Solar Energy Systems (ASES) and Principal Solar Energy Systems (PSES). Although the definitions of ASES and PSES are highlighted, the changes are clerical in nature and do not require further review by the PC. Their review began on page 3, Item A.1, which limits the size of the area occupied by a ground mounted solar array to a maximum of 1,000SF. One of the PC's main concerns is that the ordinance will overregulate to the extent that it will create a burden for the small mom/pop applications. Another discussion point involved whether an accessory use application should be permitted to sell back to the grid. Engineer Eisenbrown directed attention to the definition of ASES which provides in part "...intended to primarily reduce on-site consumption of utility power or fuels". Other questions included what happens if an accessory use application expands to include a home occupation and if not limited to 1,000SF, should a property owner be permitted to cover their entire backyard with arrays. Consensus was not reached on any of these discussions.

The discussion moved on to Section B, PSES, beginning with Item B.1, limiting the total area of panels to 50% of the total tract acreage. They were reminded that setbacks will limit the usable acreage. The question became ... why should the Township care if someone with 50 acres of land wants to cover all but the setback area with solar arrays? The major concern during this portion of the discussion became ... what about stormwater management? Are solar arrays considered impervious? If so, what are the stormwater regulations going to be? When there is a major rain storm are neighbors' properties in danger of being inundated? Mr. Auerbach reminded the PC that the draft ordinance contains language written by DEP regarding the stormwater management issue and since they are the regulating body, perhaps the Township should follow their guidelines. PC members continued to express concern regarding allowing more than 50% coverage unless also requiring a stormwater analysis and following whatever the criteria is for a particular application.

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Engineer Eisenbrown suggested that if the Township chooses not to follow DEP's guidelines, they will have to make a decision as to whether a large solar application is pervious or impervious – and there would be a number of variables involved in that decision, i.e., site location, topography, etc. Then the issue could become ...DEP says it's pervious, why is the Township saying it's impervious? The discussion continued with no clear decisions – perhaps all PSES applications should be required to have a stormwater analysis done. Time of concentration is also a variable that needs to be considered – it could change what would normally be a pervious application to an impervious situation. For next month, Engineer Eisenbrown asked the Solicitor to look for examples of ordinances that have been in place for several years and he also asked Mgr. McVaugh to contact Jan Bowers, CC Water Resources Director, to see if there's anything else in the pipeline as far as DEP regulations are concerned.

**Public Comment:** No public comment.

**Adjourn:** The meeting was adjourned at 8:32 p.m.

Respectfully submitted,

John Gontarz  
Planning Commission Secretary

PC Mtg. 10.03.19.v2.er