

**Orwigsburg Planning & Zoning Commission**  
**Meeting Minutes**  
**February 15, 2023**

The Orwigsburg Planning Commission met on Wednesday, February 15, 2023 in Council Chambers. Chairman Paul called the meeting to order at 7:00 pm and the Pledge of Allegiance was recited.

Attendance: Vice Chairman Paul Bedway; Members: Larry Dagna, Tim Wilhelm, Jonathan Kukta, Bill Knecht. Borough Manager Randy Miller. Borough Secretary Sherry Edwards.

Visitors: Kevin Richards of Alfred Benesch; Ben Hunter of 406 Roseberry St.

**Minutes**

A motion to approve the meeting minutes of the January 18, 2023 as presented was made by Tim Wilhelm seconded by Bill Knecht. Unanimous.

**Public Comment - None**

**Old Business**

- Zoning Ordinance Discussion items/Updates sent to Borough Council – No Action Taken
- EDU Adjustment Policy
- Solar Energy Systems – Revisions to be discussed – in the future to be recommended to council

**Topics to be Discussed**

Back in June 2022 recommendations were forwarded to Borough Council on:

- Accessory Structures
- Building Coverages
- Lot Coverage
- New definition for Recreational Courts

Borough Council decided to wait and review the document in its entirety, advertise once and to have one public hearing for all the Zoning Ordinance amendments.

Solar Energy System language was added into the draft ordinance that was previously forwarded to Council.

**Solar Energy Systems**

Solar Energy Systems – get additional documentation based on other municipalities.

Principal solar energy systems and accessory solar energy systems determine best case to clarify when one becomes another; when too much accessory becomes principal.

Enacted in other (outside) ordinances is the kilowatt figure; highest was 15 kilowatt; less than 15 kilowatt would be considered accessory use.

Kevin added to draft: Ground mounted of freestanding Solar Energy Systems with an output size of not greater than 10kW shall be considered Accessory Solar Energy Systems. Roof or wall mounted solar energy systems on the roofs or walls of buildings on-site used primarily for on-site use shall have no limit as to power output. Above 10kW would be behold to Principal Solar Energy System requirements:

- Land Development agreement

- Financial Security

- Decommissioning

- Stormwater requirements

10kW would suffice for a residential home

The Commission discussed the kilowatt out-put and as long as panels are roof or wall mounted agreed to raise from 10kW to 20kW for accessory use. Accessory use will require a UCC Permit; this will determine the structural integrity of roof mounted systems.

Decided last month Principal Solar Energy Systems would be a Conditional use in Commercial and Industrial Districts; and in the outer 3 zones – RE, RS, R1 a Special Exception use. R2, R3, V, would not be allowed.

Currently the only requirement for accessory solar panels in the yard is a Zoning Permit. Ex: a 15 acre lot with on ground 15kW system only requirement is a Zoning Permit. Still need to meet building set backs, no installation in front of building line, calculated into impervious coverage.

Determine how restrictive we should be with stormwater.

Currently if the applicant can prove they meet six stipulations (included in draft ordinance) to be considered Disconnected Impervious Area (DIA) its would be the same as not having any impact. Still have an impact with roads, other facilities and access. Language is only for a Principal system.

Bill Knecht's view - Accessory use in residential area with a ground mounted system should require a Zoning Hearing. Adjacent properties and town in general should have a say.

Commission concerned with stormwater issues, lawn maintenance, weeds.

Kevin can break into two uses:

- Accessory Solar Energy systems – roof/wall mounted – acceptable use in all zones - only requirement is Zoning Permit

- Accessory Solar Energy system – ground mounted – Require a Special Exception in all residential zones. Which would allow for the Zoning Hearing Board place conditions on the installation such as buffering and vegetation control.

Kilowatt proposed was 10kW – Kevin will change to 20kW

Accessory System in Commercial or Industrial

- Roof mounted same as residential – Zoning Permit requirement

- Ground mounted – Special Exception requirement

Principal System for Commercial or Industrial – Conditional Use requirement – P & Z  
Commission and Borough Council approval  
Commercial ground mount will be considered Principal System

Outer zones RE, RS, R1 considered a Principal use if in excess of 20kW and Special Exception is required.

Principal system not allowed in the Inner zones R2, R3, V.

#### *Stormwater requirements*

Kevin reviewed Page 15 of the draft document and the criteria needed to meet – if you meet the Disconnected Impervious Area (DIA) you will have no increase pre-development to post development runoff coefficient.

Rewrite the Stormwater section to include all square footage of panel is considered impervious and should be mitigated through the design and implementation of post construction stormwater management plan.

#### *Access:*

1. At a minimum a 14' wide stabilized access road must be provided from a State, County, or Township roadway into the site that is maintained in a dust free condition. The PSES Developer shall obtain a permit from the appropriate jurisdiction from the construction of the access road.
2. At a minimum a 20' wide gravel cartway shall be provided between the solar arrays to allow access for maintenance vehicles and emergency management vehicles including fire apparatus and emergency vehicles. Cartway width is the distance between the bottom edge of a solar panel to the top edge of the solar panel directly across from it.

Kevin recommendation is to match the requirements in the draft document, still need to jump through hoops to be able to meet the Disconnected Impervious Area (DIA) requirements.

Kevin reviewed the following items from the draft documents:

#### *Security:*

1. All ground mounted PSES shall be completely enclosed by fencing that consists of a minimum 6 foot high fence with an additional one foot of barbed wire on top and a self-locking gate, or a designated and approved by the Borough.
2. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence surrounding the PSES informing individuals of potential voltage hazards.

#### *Screening*

1. Vegetative buffering, to the extent practical, shall be installed around the entire perimeter of the PSES installation, except where the Borough determines that the retention of existing trees within the vegetative buffering area may constitute the required vegetative buffer or where the Borough determines that the solar panels cannot be viewed from a public roadway or residential building.
2. The vegetative buffering shall be installed along the exterior side of the fencing. All required vegetative buffering shall be located within 50 feet of the required fencing.
3. Vegetative buffering should be designated to emulate the mix of native species and appearance of existing tree lines, hedge rows, and wooded areas already in existence within the landscape where the SEF is proposed.
4. Vegetative buffering shall be selected to provide year-round buffering and shall be of sufficient height, density, and maturity to screen the facility from visibility, as set forth herein within thirty-six months of the installation of the PSES

5. A combination of Natural topography and vegetation can serve as a buffer, provided that the PSES will not be visible from public roads, public parks or existing residences on surrounding properties. Earthen berms may no be created to serve as a buffer
6. The buffering requirement of this section shall supersede the other sections of the Orwigsburg Borough Zoning Ordinance and Subdivision and Land Development Ordinance as they may pertain to PSESs.

*Access:*

1. The ground mounted PSES shall not be artificially lighted except to the extent required for safety or applicable federal, state, or local authority.
2. If a ground mounted PSES is removed, any earth disturbance resulting from the removal must be graded and reseeded.

*Roof Mounted Principal Solar Energy System*

1. For roof and wall-mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and adopted building code of the Borough that the roof or wall is capable of holding the load imposed on the structure.
2. PSES installers must certify they are listed as a certified installer on the PA Department of Environmental Protection's (DEP) approved solar installer list or that they meet the criteria to be a DEP approved installer by meeting or exceeding one of the following requirements:
  - Is certified by the North American Board of Certified Energy Practitioners.
  - Has completed an Interstate Renewable Energy Council (IREC) Institute for Sustainable Power Quality (ISPQ) accredited PV training program or a PV manufacturer's training program and successfully installed a minimum of three PV systems.
3. No portion of the PSES shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the PSES provided they comply with the prevailing sign regulations

*Solar Easements*

1. Where a subdivision or land development proposes a PSES, solar easements may be provided. Said easements shall be in writing and shall be subject to the same conveyance and instrument recording requirements as other easements.

*Decommissioning*

- The PSES owner shall then have 18 months in which to dismantle and remove the PSES including all solar-related equipment or appurtenances related thereto, including, but not limited to, buildings, cabling, electrical components, roads, foundations and other associated facilities from the property. If the owner fails to dismantle and/or remove the PSES within the established timeframes, the municipality may complete the decommissioning at the owner's expense.
- At the time of issuance of SALDO approval for the construction of the PSES, the owner shall provide financial security in the form and amount acceptable to the Borough and in favor of the Borough, to secure its obligations under this Section.
- The decommissioning security may be in the form of cash deposit, surety bond, irrevocable letter of credit, cashier's check, or escrow account from a federal or Commonwealth chartered lending institutions in the amount of 110% of the total proposed decommission cost estimate and in a form satisfactory to the Borough Solicitor.

Kevin added in Solicitor Datte's comments on decommissioning.

Kevin will modify based on tonight's discussion, discuss with Borough Council and have Solicitor Datte review.

A motion to forward recommendations on amendments to the Zoning Ordinance after Alfred Benesch modifies draft based on tonight's discussions to Borough Council for consideration was made by Larry Dagna, second by Bill Knecht. Unanimous. 5 yes – 0 no.

To date no plans for Principal Solar Energy Systems have been submitted to the Borough prior to this meeting.

Blue Mountain Village Highway Occupancy Permit review letter

- Progressing their design
- Submitted NPDES Stormwater Erosion permit to Schuylkill County Conservation District a few months ago
- Submitted Highway Occupancy Permit to PennDot for driveway
- Two Land Development plans were submitted in 2020
- HOP plans submitted also included application #'s for Water, Sanitary Sewer and Stormwater Connection
- Water, Sanitary Sewer and Stormwater connection permits would be in the name of the Borough
- Water and Sewer line extension up E Market St – no plans submitted to date
- Stormwater connection – any stormwater improvements required along state route PennDot claims permit will be in the name of the borough – no plans submitted to date
- Will need to set up a Municipal agreement along with escrow account to be used for maintenance responsibilities, inspections of drainage
- Discrepancy with Breezy Acres Rd – Signage conflict

Comprehensive Plan Discussion. Separate Committee to be assembled.

A motion to adjourn at 9:00 pm was made by Tim Wilhelm, seconded by Jonathan Kukta.

Respectfully submitted,

Sherry M. Edwards  
Borough Secretary