

**EAST GOSHEN TOWNSHIP  
PLANNING COMMISSION  
Meeting Agenda  
Wednesday, June 3, 2020  
VIA Telephone / Video Conference  
7:00 PM**

**During this tele-conference Planning Commission meeting, public comment will be handled as follows:**

- Participants are asked to call in by 6:55 pm.
- Participants will be asked to identify themselves when being accepted into the meeting
- The public will be muted during the meeting when the Commission is talking.
- The Chairman will ask for public comment on agenda items and participants will be unmuted and given an opportunity to ask questions and make comments.
- Participants wishing to comment must state their name and address and must speak one at a time.
- Participants are asked to turn down the volume if they are livestreaming the meeting on YouTube.

- A. Call to Order / Pledge of Allegiance and Moment of Silence
- B. Chairman will ask if anyone is going to record the meeting
- C. Review of Tracking Log / Determine need for Workshop Meeting**
- D. Public Comment on Non-Agenda Items
- E. Approval of Minutes**
  - 1. May 6, 2020**
- F. Subdivision and Land Development Applications
  - 1. Synthes USA / 1303 Goshen Parkway (Land Development)**
- G. Conditional Uses and Variances
- H. Ordinance Amendments
- I. Old Business
  - 1. Zoning Ordinance Review
  - 2. Review Model ordinances for Pipelines**
- J. New Business
- K. Any Other Matter
- L. Liaison Reports
- M. Correspondence
- N. Announcements

**Bold Items indicate new information to review or discuss.**

East Goshen Township Planning Commission  
Application Tracking Log

June 3, 2020 PC Meeting

Application Name	Application (CU, LD, ZO, SD, V, SE, CA)	Type (Sk, P, F)	Date Filed	Start Date	Date to Township Engineer	Date to CCPC	Date to Abutting Prop. / ABC's	Extension	PC NLT Action Date	BOS NLT Action Date	Hearing Date	Drop Dead date	Comments
Synthes USA / 1303 Goshen Parkway	LD	P/F	4/27/2020	5/6/2020	4/28/2020	4302020	4/30/2020	1	7/15/2020	8/4/2020	NA	8/4/2020	extension not included in these dates

**Bold = New Application or PC action required**

**Completed in 2019**

Paoli Pike TND Overlay District Ord.	ZO	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	12/17/2019	NA	Continued
ZEKS, 1302 Goshen Parkway	CU	Sk	8/27/2019	8/27/2019	NA	NA	8/29/2019		10/2/2019	10/29/2019	10/15/2019	10/25/2019	APPVD.
ESKE Development / Ducklings	LD	P/F	1/18/2019	2/6/2019	2/23/2019	2/23/2019	2/29/2019		4/3/2019	4/9/2019	NA	5/6/2018	APPVD.
PECO Gas Gate	CU	Sk	2/26/2019	2/26/2019	2/28/2019	NA	2/28/2019	1	4/3/2019	6/5/2019	5/14/2019	6/25/2019	APPVD.
CZ Woodworking / 1422 Ardleigh Cir.	CU	Sk	3/29/2019	3/29/2019	NA	NA	4/22/2019	1	6/5/2019	6/18/2019	6/18/2019	6/27/2019	APPVD. W Conds.
1351 Paoli Pike / The Hankin Group	ZO	SK	5/31/2019	NA	NA	NA	5/31/2019	NA	NA	NA	NA	NA	DENIED
1339 Enterprise Drive	CU	Sk	5/30/2019	5/30/2019	NA	NA	6/11/2019		7/10/2019	7/16/2019	7/16/2019	7/29/2019	APPVD.

**DRAFT**  
**EAST GOSHEN TOWNSHIP**  
**PLANNING COMMISSION MEETING**  
**May 6, 2020**

The East Goshen Township Planning Commission held a regular meeting on Wednesday, May 6, 2020 at 7:00 p.m. Because of the COVID-19 restrictions the meeting was held via teleconference.

Members present are highlighted:

**Chair – Ernest Harkness**

**Vice Chair – John Stipe**

Dan Daley

**Edward Decker**

**Michael Koza**

**Mark Levy**

**Michael Pagnanelli**

Also present were:

**Mark Gordon, Zoning Officer**

Martin Shane, Township Supervisor

Mike Lynch, Township Supervisor

**Michele Truitt, Township Supervisor**

**COMMON ACRONYMS:**

*BOS – Board of Supervisors*

*CPTF – Comprehensive Plan Task Force*

*BC – Brandywine Conservancy*

*CVS – Community Visioning Session*

*CB – Conservancy Board*

*SWM – Storm Water Management*

*CCPC – Chester Co Planning Commission*

*ZHB – Zoning Hearing Board*

**A. FORMAL MEETING – 7 p.m.**

1. Ernie called the meeting to order at 7:00 pm. He led the Pledge of Allegiance and a moment of silence to remember our first responders and military.
2. Ernie asked if anyone would be recording the meeting and if there were any public comments about non-agenda items. There was no response.
3. Ernie checked the log.
4. The minutes of the March 4, 2020 meeting were approved as amended. There was no meeting in April.

**B. SUBDIVISION AND LAND DEVELOPMENT APPLICATIONS**

1. Synthes USA, 1303 Goshen Parkway (Land Development). Representatives that were present: Brendan Burke, Esq.; Todd McVoy; David Citro; Joshua Vanderveen; John Neilson; Bill Reichard; and Mr. Freese. Synthes received Conditional Use Approval in 2017 to add an addition to the existing facility. Now they are requesting Land Development approval for the proposed improvements. Mr. Burke reviewed the plan to expand the existing facility. There will be no additional employees so there will be no additional traffic. Todd McVoy presented the slide presentation and explained that this will expand the metal processing area. David Citro, Project Engineer, highlighted current conditions and the proposed changes. He spoke about ordinance requirements and mentioned they are requesting 3 waivers. They are the water study, traffic impact study and minimum diameter of pipe sizes. There will be no additional loading and no increase in noise. The only lights will shine on the walkway. He showed a rendering of the facility with the new addition. Water from the roof will go to the SW basin. Construction will take 8-9 months. Commission members, Michele Truitt and Mark Gordon asked a few questions. Ernie thanked them for the presentation and explained the process after the necessary review letters are received.

1 **C. OLD BUSINESS**

- 2 1. Zoning Ordinance Review – This was deferred until the June meeting.  
3 2. Review Model Ordinances for Pipelines - Mark met with the Solicitor after the March meeting. He  
4 spoke to her today. She is organizing her comments.  
5

6 **D. NEW BUSINESS**

7 None  
8

9 **E. LIASION REPORTS**

10 Board of Supervisors – Michele reported that the parks and the rest rooms are open.  
11 Yard waste pickup will start again on May 13 and May 20 then to the regular schedule.  
12 The pipeline has started construction again. Community Day has been moved from June to combine with  
13 the Food Truck and Music Festival in August.  
14 Mark Gordon added that the township staff did a soft opening today in the township building. The  
15 building will be closed to the public until restrictions are eased. Work has started on Paoli Pike Trail.  
16 Also, the playground and active areas such as tennis courts, are still closed in the park. The Park and  
17 Recreation Commission will make a final decision about the Festival in August at their June meeting.  
18

19 **F. ANY OTHER MATTER**

20 None  
21  
22

23 **G.. ADJOURNMENT**

24 There being no further business, Mike Koza made a motion to adjourn the meeting. John Stipe  
25 seconded the motion. The meeting was adjourned at 8:00 pm. The next regular meeting will be held on  
26 Wednesday, June 3, 2020 at 7:00 p.m.  
27

28  
29 Respectfully submitted, \_\_\_\_\_  
30 *Ruth Kiefer, Recording Secretary*

# Memorandum

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East Goshen Township  
1580 Paoli Pike  
West Chester, PA 19380

Voice: 610-692-7171


Fax: 610-692-8950

E-mail: [mgordon@eastgoshen.org](mailto:mgordon@eastgoshen.org)

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Date: 5/28/2020

To: Planning Commission

From: Mark Gordon, Township Zoning Officer 

Re: Synthes USA / JABIL / Land Development Application

Dear Commissioners,

As you know, the Township has received a Land Development Application from Synthes USA for their facility at 1303 Goshen Parkway. Synthes received Conditional Use Approval in 2017, to add an addition to the existing facility as well as associated parking lot and pedestrian walkway modifications.

The Conservancy Board reviewed this application at their meeting May 13<sup>th</sup>, I have included their recommendation for your consideration. The Township Engineer has reviewed the plans and has issued a review letter. Most comments are minor however; these comments must be addressed in the next plan revision, the review letter is included for your consideration.

The CCPC has forwarded their review comments, they are attached for your consideration; all their comments are administrative in nature.

**Staff Recommendation:**

We are awaiting revised plans addressing the Twp. Engineers comments. At this time staff **does not** believe it's appropriate for the Planning Commission to make a recommendation.



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May 21, 2020

EGOST 00131

Mark Gordon, Zoning Officer  
East Goshen Township  
1580 Paoli Pike  
West Chester, PA 19380

**RE: Jabil Finishing Plant Expansion, 1303 Goshen Parkway  
Preliminary/Final Land Development Plan**

Dear Mark:

As requested, we have reviewed the following information, prepared by Mainstay Engineering Group, Inc. in connection with the referenced project:

- *"Finishing Plant Expansion Plans"* (seventeen sheets), last revised April 23, 2020.
- *"Jabil Finishing Plant Expansion – Land Development Stormwater Narrative"* dated April 23, 2020; and
- Cover letter dated April 23, 2020 and application package.

The applicant, Synthes USA HQ, Inc., proposes to construct a  $\pm 1,926$  square foot addition with sidewalk and new utilities at an existing manufacturing facility on UPI #53-003-001.1200 ( $\pm 8.6$  acres) at 1303 Goshen Parkway (T-646). The property is located approximately 460 feet west of the intersection of Airport Road and Goshen Parkway, within the I-1 Light Industrial District. The lot is currently served by public water and public sanitary sewer.

In 2017, the applicant received Conditional Use approval to increase the total impervious coverage to 60%. The proposed expansion was included on the Conditional Use Plan associated with that approval.

The applicant has requested the following three (3) waivers:

1. From §205-40 – requiring a water study;
2. From §205-39 – requiring a traffic impact study; and
3. From §205-37.C(7) – requiring a minimum inside pipe diameter of 15 inches.

We offer the following comments:

#### **ZONING**

1. All new structures shall incorporate a complete visual screen for all rooftop structures. (§240-19.F(2))
2. It is unclear why the required building coverage area in the *Zoning Summary* table is blacked out. Please indicate the required 30% in the table. (§240-19.G)
3. The rear yard shall be measured from the property line to the proposed addition and the *Zoning Summary* table updated. (§240-19.G)

4. A detail for the proposed lighting shall be provided to confirm the light is completely shielded and/or covered by an appropriate translucent cover. (§240-27.C(7)(b))

#### **SUBDIVISION AND LAND DEVELOPMENT**

5. The applicant is proposing preliminary/final plan approval, therefore a waiver from §205.1 should additionally be requested.
6. Regarding preliminary and final plan requirements (§205-30 and §205-33), the following should be provided:
  - a. The name of all abutting or adjacent property owners in the vicinity of the project including those across Goshen Parkway. (§205-30.B(5))
  - b. Location and elevation of the benchmark to which contour elevations refer. (§205-30.B(8))
  - c. Such private deed restrictions and/or a statement of any restrictions previously imposed in accordance with §205-33.C(2). If no such deed restrictions exist or will be imposed, it is recommended a note stating the same be indicated on the plan.

#### **STORMWATER MANAGEMENT**

7. Regarding the Erosion and Sediment Control Plans, please provide the following, including details, if applicable:
  - a. Indicate construction fence around the proposed infiltration area.
  - b. Provide a means to prevent sediment from being deposited on public roads, such as a rock construction entrance and/or wash station.
  - c. Indicate a concrete washout area.
  - d. Indicate a soil stockpile area.
  - e. It is unclear how the outlet modifications will be completed without possible additional earth disturbance. Please revise the limit of disturbance accordingly.
8. Wherever possible, infiltration should be designed to accommodate the entire water quality and runoff volume required in §195-19. (§195-20.A)
9. The applicant should clearly identify the predeveloped and post-developed areas and specifically BMP drainage area in the report.
10. Please provide the location of the test pit used for the design of the proposed infiltration facility on the plan. (§195-20.I)
11. The applicant should provide Worksheet 4 calculations for the area tributary to the proposed infiltration BMP to demonstrate compliance with §195-19 and §195-20.
12. The proposed BMP does not appear to be included in the *HydroCAD* model. Please provide routing calculations for the proposed infiltration BMP. (§195-19 and §195-20)
13. The closest infiltration test to the proposed BMP appears to be more than 75 feet away from the proposed location. The applicant should provide a test pit and infiltration test at the proposed infiltration elevation in the area of the proposed BMP. (§195-20J(1))
14. Please provide calculations to ensure the system will dewater in 72 hours. (§195-20-J(3))

15. The plans shall note that during site construction, all infiltration practice components shall be protected from compaction due to heavy equipment operation or storage of fill or construction material. Infiltration areas shall also be protected from sedimentation. Areas that are accidentally compacted or graded shall be remediated to restore soil composition and porosity. (§195-20-M)
16. Where roof drains are designed to discharge to infiltration practices, they shall have appropriate measures to prevent clogging by unwanted debris (for example, silt, leaves and vegetation). Such measures shall include but are not limited to leaf traps, gutter guards and cleanouts. (§195-20-O)
17. All infiltration practices shall have appropriate positive overflow controls. Please provide a detail and routing calculations for the proposed BMP.
18. Please provide complete delineation of the flow paths used for calculating the time of concentration (Tc) for the predevelopment and postconstruction conditions. (§195-27.B(14))
19. Please provide a statement, signed by the applicant, acknowledging that any revision to the approved SWM site plan shall be submitted to and approved by the municipality and that a revised erosion and sediment control plan shall be submitted to, and approved by East Goshen Township for a determination of adequacy prior to construction of the revised features on the PCSM Plan. (§195-27.A(3))
20. Please provide the required signature block signed and sealed by the qualified licensed professional responsible for the preparation of the SWM site plan. (§195-27.A(4))
21. A detail for the proposed infiltration BMP shall be provided. (§195-27.B(13))
22. The PCSM Plan includes notes regarding a Notice of Termination. Since an NPDES permit is not required the notes should be removed.
23. The applicant is reminded that a *Stormwater Management Operation and Maintenance Agreement* shall be completed. (§195-36) This document is available on the Township website. Please sign two copies and return to the Township for authorization by the Board of Supervisors. The Township will then return to the applicant for recording with the plan, at the County. A copy of the time stamped document and proof of recording should then be returned to the Township.
24. It appears the proposed outlet structure modification may be on the adjacent property, which is noted as under different ownership; please confirm authorization has been provided from the property owner.
25. The applicant should provide an easement granting the Township ingress and egress to the stormwater BMP's. Note: a blanket easement is acceptable; see below. (§195-27.B(18)(c))
26. Per §195-39, the Township requests that the following be added to the plans regarding stormwater management easement:

*"A blanket stormwater management easement is provided over and across the property in favor of East Goshen Township to allow the Township and its agent and designees access to the proposed stormwater management facilities. The Township is granted the right, but not the duty, to access and conduct periodic inspections and to undertake other actions that may be necessary to enforce the requirements of the Township's Stormwater Management Ordinance or of any applicable O&M plan or O&M agreement."*



**GENERAL**

27. We recommend the Conditional Use approval be noted on the plans and referenced below the *Zoning Summary* table (Sheet C0.12) regarding the impervious coverage.

28. The plans should indicate any additional signage proposed.

Should you have any further questions or comments, please contact the undersigned.

Sincerely,

**PENNONI**



Nathan M. Cline, PE  
Township Engineer

cc: Rick Smith, Township Manager (via e-mail)  
Mark Miller, Director of Public Works (via e-mail)

# EAST GOSHEN CONSERVANCY

May 14, 2020

East Goshen Township  
Planning Commission  
1580 Paoli Pike  
West Chester, Pa. 19380

Re: Synthes USA LD Application

Dear Commission Members:

At their meeting on May 13, 2020, the Conservancy Board voted unanimously in favor of the following motion:

*Mr. Chairman, I move that we recommend the Planning Commission approve the Synthes USA Land Development application with the following conditions:*

- 1. The applicant agrees to add five (5) additional evergreen trees on the north side of the northern parking area.*
- 2. The applicant agrees to amend the plans specifying tree species that are identified in the Township Tree Species list; Resolution 2015-20.*

Sincerely,



Mark A. Gordon  
Zoning Officer



# THE COUNTY OF CHESTER



COMMISSIONERS  
Marian D. Moskowitz  
Josh Maxwell  
Michelle Kichline

Brian N. O’Leary, AICP  
Executive Director

PLANNING COMMISSION  
Government Services Center, Suite 270  
601 Westtown Road  
P. O. Box 2747  
West Chester, PA 19380-0990  
(610) 344-6285 Fax (610) 344-6515

May 27, 2020

Louis F. Smith, Jr., Manager  
East Goshen Township  
1580 Paoli Pike  
West Chester, PA 19380

Re: Preliminary/Final Land Development - 1303 Goshen Parkway  
# East Goshen Township – LD-05-20-16336

Dear Mr. Smith:

A Preliminary/Final Land Development Plan entitled "1303 Goshen Parkway", prepared by Mainstay Engineering Group, and dated March 31, 2020, and last revised on April 23, 2020, was received by this office on April 28, 2020. This plan is reviewed by the Chester County Planning Commission in accord with the provisions of Section 502 of the Pennsylvania Municipalities Planning Code. We offer the following comments on the proposed land development for your consideration.

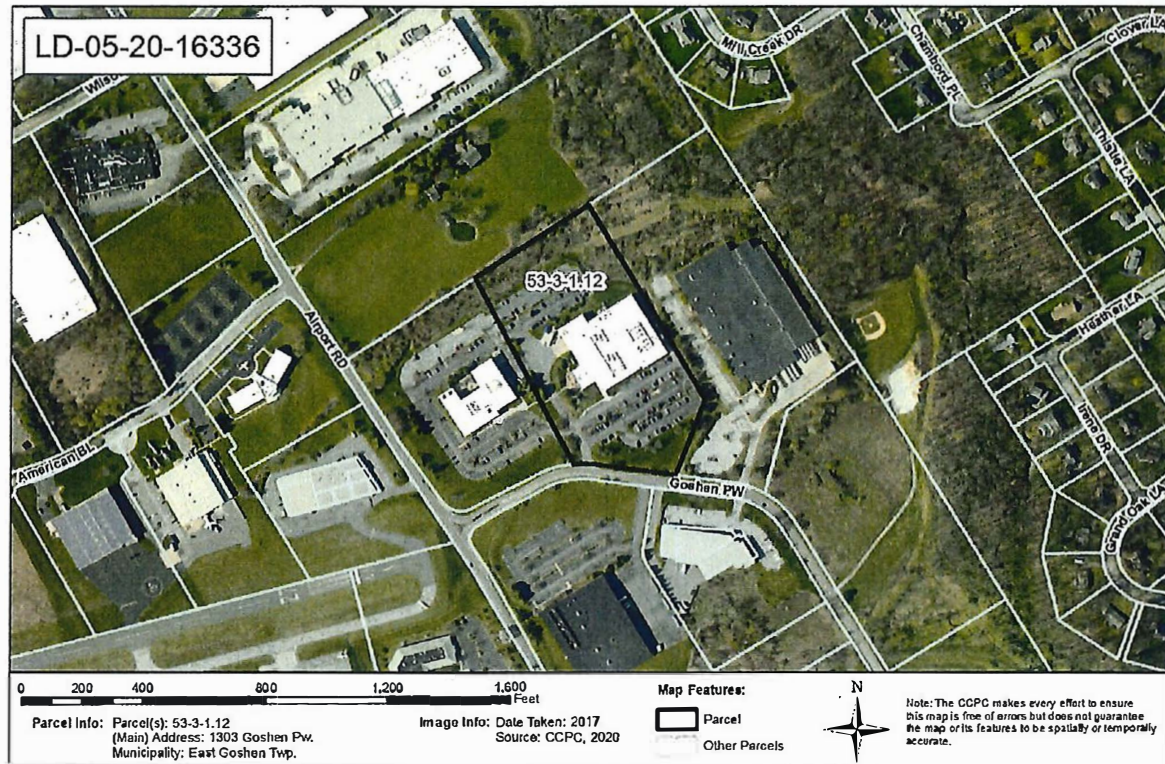
**PROJECT SUMMARY:**

Location:	the north side of Goshen Parkway, east of Airport Road
Site Acreage:	8.63
Lots/Units:	1 Lot
Non-Res. Square Footage:	1,921
Proposed Land Use:	Addition to Existing Building (Jabil Brandywine Plant)
New Parking Spaces:	0
Municipal Land Use Plan Designation:	Business Park Industrial
UPI#:	53-3-1.12

**PROPOSAL:**

The applicant proposes the construction of a 1,921 square foot building addition. No new sewage disposal or water supply is proposed as part of this plan submission. The project site is located in the I-1 Light Industrial zoning district.

**RECOMMENDATION:** The County Planning Commission recommends that the administrative issues raised in this letter should be addressed, and all Township issues should be resolved before action is taken on this land development plan.



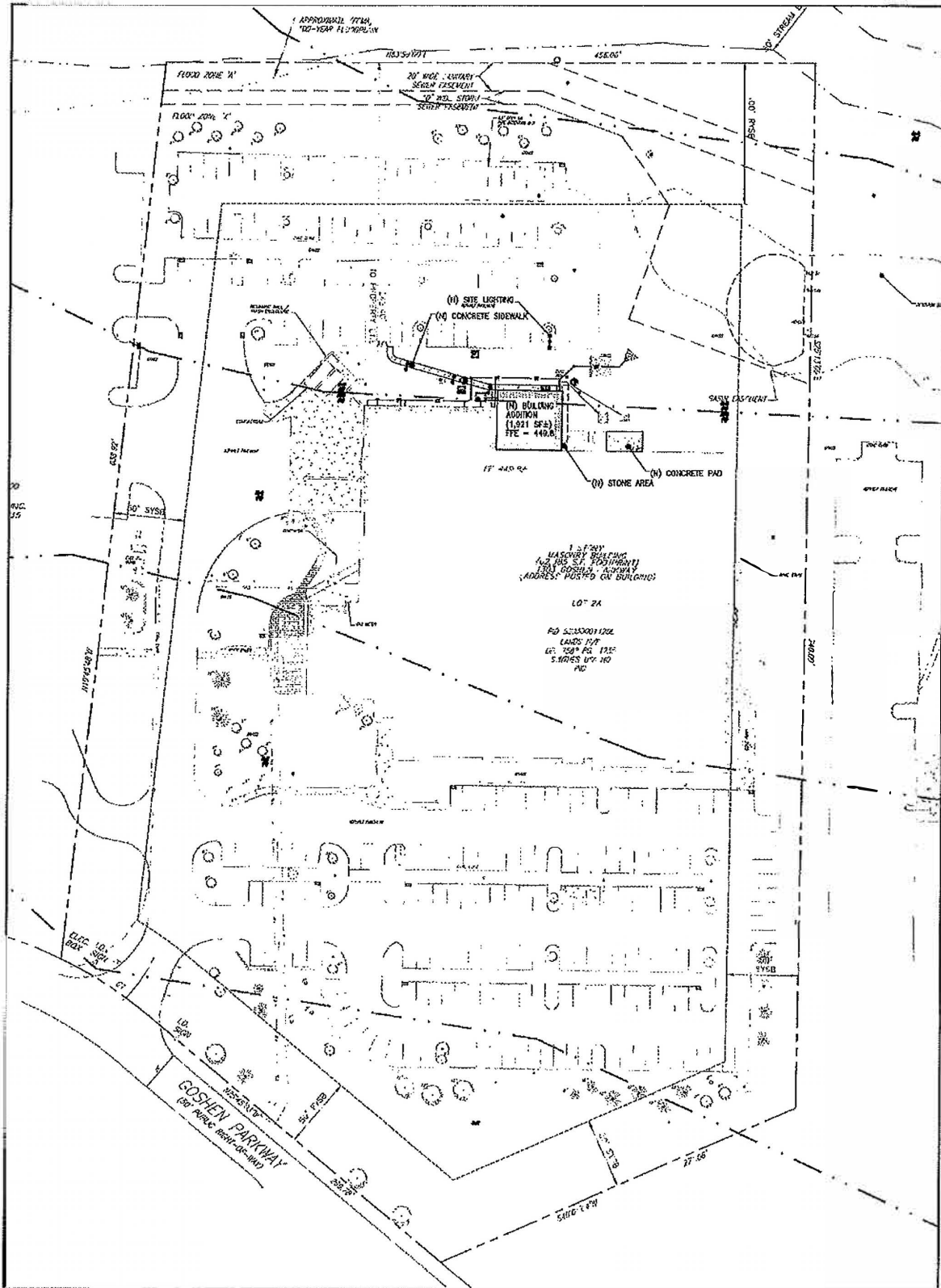
### COUNTY POLICY:

#### LANDSCAPES:

1. The project site is located within the **Suburban Center Landscape** and **Natural Landscape** designations of [Landscapes3](#), the 2018 County Comprehensive Plan. The vision for the **Suburban Center Landscape** is regional economic, population and transportation centers with varying land uses, accommodating substantial future growth of medium to high intensity. As an overlay of all other landscapes, the county's **Natural Landscapes** consist of a network of streams, wetlands, floodplains, and forests that are protected by regulations or should be subject to limited disturbance. Conservation practices should protect and restore these natural resources. The proposed land development is consistent with the objectives of the **Suburban Center Landscape**.

#### WATERSHEDS:

2. *Watersheds*, the water resources component of [Landscapes3](#), indicates the proposed development is located within the Chester Creek watershed. *Watersheds'* highest priority land use objectives within this watershed are: reduce stormwater runoff, restore water quality of "impaired" streams, and protect vegetated riparian corridors. *Watersheds* can be accessed at [www.chesco.org/water](http://www.chesco.org/water).



Site Plan Detail, Sheet C0.12: Preliminary/Final Land Development - 1303 Goshen Parkway

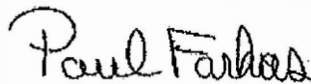
Page: 4  
Re: Preliminary/Final Land Development - 1303 Goshen Parkway  
# East Goshen Township – LD-05-20-16336

ADMINISTRATIVE ISSUES:

3. While not identified on Sheet C0.11 (Conditional Use Plan), the October 17, 2017 Township Board of Supervisors meeting minutes indicate that conditional use approval was granted to increase the impervious coverage on the property to sixty percent (60%), with six conditions of approval (we note that the Zoning Summary table Sheet C0.12-Land Development Plan indicates that the maximum impervious coverage is proposed to increase from 55 percent to approximately 56 percent). Prior to granting final plan approval, the Township should verify that all applicable conditions of approval are incorporated into the final plan, the details of which should be identified on the plan.
4. Land disturbance and land development activities that occur within Chester County must comply with the *County-wide Act 167 Stormwater Management Plan for Chester County, PA* (July 2013) and the associated Act 167 stormwater management ordinance standards adopted by each municipality.
5. The applicant is requesting three waivers from Article VIII-Supplementary Studies and Plans of the Township Subdivision and Land Development Ordinance. Waiver requests should only be granted following the determination that the proposed project either meets the purpose of these requirements or does not create the impacts that these provisions are intended to manage.
6. A minimum of four (4) copies of the plan should be presented at the Chester County Planning Commission for endorsement to permit recording of the final plan in accord with the procedures of Act 247, the Pennsylvania Municipalities Planning Code, and to meet the requirements of the Recorder of Deeds and the Assessment Office.

This report does not review the plan for compliance to all aspects of your ordinance, as this is more appropriately done by agents of East Goshen Township. However, we appreciate the opportunity to review and comment on this plan. The staff of the Chester County Planning Commission is available to you to discuss this and other matters in more detail.

Sincerely,



Paul Farkas  
Senior Review Planner

cc: Synthes USA HQ, Inc.  
Johnson & Johnson  
Mainstay Engineering Group


# Memorandum

---

**East Goshen Township**  
**1580 Paoli Pike**  
**West Chester, PA 19380**

Voice: 610-692-7171  
Fax: 610-692-8950  
E-mail: [mgordon@eastgoshen.org](mailto:mgordon@eastgoshen.org)

---

Date: 5/27/2020  
To: Planning Commission  
From: Mark Gordon, Township Zoning Officer   
Re: Model Ordinance Review  
Land Development Ordinance Standards for Transmission Pipelines  
Zoning Ordinance Standards for Transmission Pipelines

Dear Commissioners,

As you may recall the Commission discussed these two model pipeline ordinances back in February. As requested the Township Solicitor, Ms. Kristin Camp Esq., has reviewed these two model ordinances and provided comments in the margins for your consideration. Ms. Camp will be available to discuss these ordinances on at your meeting on June 3.

Remember, there are two separate ordinances, one that would be included in the Zoning Ordinance and the other would be included in the Subdivision and Land Development Ordinance. These model ordinances propose use, buffering, and setback standards for new construction from existing and proposed transmission pipelines, along with other suggested regulations.

The PC has identified a 2020 goal to review the Township ordinances for appropriate legislation changes concerning transmission pipelines.

I would suggest that you review the ordinances again, along with Ms. Camp's comments, and ask yourself what we are trying to accomplish with these ordinances. Once we know what our objective is, the easier it will be to craft appropriate ordinance language.

I also have a short presentation of the Pipeline Mapping tool that we've been working on.

Ms. Camp is Available from 7 pm to 7:30 so this item needs to be your first order of Business for the evening.

MODEL ZONING ORD. FOR  
PIPELINES @ COMMENTS  
FROM TWP. SOLICITOR.  
5/29/2020

Draft: December, 2014

## ORDINANCE GUIDELINES

### SURFACE LAND USES AFFILIATED WITH TRANSMISSION PIPELINES

Note: The purpose of these guidelines is to provide a framework for an ordinance to be enacted as part of a Municipality's Zoning Ordinance, preferably within a "Supplementary Regulations" section. All contents of these ordinance guidelines, as well as any modifications made by local municipalities consistent with local planning objectives, are subject to review by a municipal solicitor consistent with the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, and the Pennsylvania Oil and Gas Act (including amendments contained in Act 13 of 2012 and subsequent findings of the PA Commonwealth Court and PA Supreme Court of challenges to Act 13).

AN ORDINANCE PURSUANT TO ARTICLE VI OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, AMENDING CHAPTER \_\_\_ OF THE CODE OF ORDINANCES OF \_\_\_\_\_ TOWNSHIP, BEING THE ZONING ORDINANCE BY PROVIDING FOR THE REGULATION OF SURFACE LAND USES AFFILIATED WITH TRANSMISSION PIPELINES. EFFECTIVE FIVE DAYS FROM ENACTMENT.

**Section 1.** The Code of the Township of \_\_\_\_\_, Chapter \_\_\_ thereof, being the \_\_\_\_\_ Township Zoning Ordinance, as amended (the "Zoning Chapter"), Article \_\_\_, Supplementary Regulations, Section \_\_\_, is amended by adding a new section, to read as follows:

- A. Surface Land Uses Affiliated with Transmission Pipelines. The purpose of this section shall be to:
- (1) Accommodate the need for surface land uses affiliated with transmission pipelines consistent with the desire to protect the health, safety and welfare of the citizens of the Township.
  - (2) Minimize aesthetic, nuisance and visual impacts of surface land uses affiliated with transmission pipelines through design, siting and vegetative screening.
  - (3) Ensure the location of surface land uses affiliated with transmission pipelines is in compliance with applicable industry standards and requirements, Federal law, and Pennsylvania State law, including the Federal Energy Regulatory Commission (FERC), the Pennsylvania Oil and Gas Act (as amended), and Pennsylvania case law.
  - (4) Preserve the ~~rural, suburban and urban~~ character of neighborhoods adjacent to surface land uses affiliated with transmission pipelines.

Commented [KC1]: General Comment: In many cases a surface land use affiliated with a transmission pipeline will be built by a public utility who can claim exemption from Zoning Ordinance per section 619 of the MPC.



B. Use provisions.

- (1) Surface land uses affiliated with transmission pipelines shall be permitted as a principal use by right in the ~~I-2 Industrial District~~ where underground pipelines exist or are proposed. Such uses shall meet the dimensional requirements, including but not limited to area and bulk standards, of the ~~I-2 Industrial District~~. Applicants are required to demonstrate to the satisfaction of the Township that the requirements of Section C, Standards for surface land uses affiliated with transmission pipelines, can be met.

Commented [KC2]: This use would be considered a public utility facility as defined in the Zoning Ordinance and thus is currently permitted by conditional use in the I-2 and BP District. I agree that if the facilities already exist in the Township in other districts it may make sense to recognize those existing uses as allowable uses, and allow them subject to regulations so if they expand or modify the facility in the future they would be bound by the new regs. Suggest that PC look where these uses exist today and what zoning districts they are located in to determine if the districts where this use is allowed should be expanded. My experience tells me that the applicant will locate these where engineering/topography dictate and this wont necessarily be confined to a certain zoning district.

*Note: Municipalities may wish to permit surface land uses as conditional uses within their Industrial District (rather than as by right uses); if so, the standards contained in Subsection C, below, would become the "conditional use standards" by which the land use would be permitted.*

*Note: Municipalities may wish to designate other areas where surface uses are permitted as conditional uses, such as zoning districts within which existing pipeline corridors already exist, or other special use districts (such as a defined "pipeline corridor district") appropriate for such uses. Each municipality will need to carefully consider whether additional or special use districts are appropriate for surface land uses affiliated with transmission pipelines in their community. Sample language for permitting surface land uses affiliated with existing transmission pipelines follows and could be inserted here as Subsection B.2; --*

- (2) Except as otherwise designated in Subsection (3) below, surface land uses affiliated with transmission pipelines shall be permitted as a principal use in \_\_\_\_\_ zoning districts where underground pipelines exist as of the date of adoption of this Section when authorized as a conditional use pursuant to Section C, Standards for surface land uses affiliated with transmission pipelines and (insert reference to municipal Conditional Use Approval Standards). In addition, such uses shall meet the dimensional requirements, including but not limited to area and bulk standards, of the underlying district.

- (3) ~~Surface land uses affiliated with transmission pipelines shall be prohibited on a lot containing a Class I or II Historic Resource as defined in Section 240-6, in the Historic Preservation Overlay District.~~

*Note: The example in Subsection B.3 above prohibits surface land uses in historic districts. Municipalities may also wish to prohibit or otherwise regulate such uses in other special districts or resource protection areas such as scenic corridor overlay districts, water resource protection areas (critical aquifer recharge areas, source water protection areas, wellhead protection areas, etc.), natural resource protection areas (wetlands, riparian buffer areas, rare habitat areas), etc.*

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(4)(3) All other uses ancillary to surface land uses affiliated with transmission pipelines are prohibited unless otherwise permitted in the zoning district in which the use is located.

*Note: Ancillary uses could include signage or others types of outbuildings.*

Commented [KC3]: I would want to understand what type of ancillary buildings this is trying to prevent. I would not think there would be signage associated with such facilities unless required for safety purposes in which case you would not want to prohibit. Existing sign regs in 240-22.Q would allow signs.

C. Standards for surface land uses affiliated with transmission pipelines. The following standards will be considered by the Township prior to permitting surface land uses affiliated with transmission pipelines:

(1) ~~Setbacks. Unless otherwise approved by the Board of Supervisors upon recommendation of the Township Planning Commission, the applicant shall~~ demonstrate that the setbacks for surface land uses affiliated with transmission pipelines and all supporting equipment and structures to any property line or right-of-way shall be consistent with the minimum setback in the underlying zoning district. In addition, surface land uses affiliated with transmission pipelines and all supporting equipment and structures shall be setback a minimum of seven hundred and fifty (750) feet from residential buildings and all commercial, industrial and institutional uses or a minimum of five hundred (500) feet from the nearest lot line, whichever is greater.

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Commented [KC4]: I do not like language in a Zoning Ordinance that allows the Board of Supervisors to vary the standards. That is the role of the ZHB.

Setbacks may be increased by the Township pursuant to the type of material being managed at the surface land use affiliated with transmission pipelines and whether the use is adjacent to areas of high on-site population. Land uses with high on-site populations include schools (through grade 12, trade schools, advanced education institutions, etc.), hospitals, clinics, multi-family housing, retirement and/or life care facilities, stadiums or arenas, day care centers, or large scale commercial, industrial or institutional uses of fifty (50) or more persons.

Commented [KC5]: 750 feet and 500 feet are very large and may be difficult to comply with. 240-19 establishes a setback based on use and requires 4 acres for lot in I-1 and 240-20 establishes setbacks for uses in I-2 which are in most cases 50 feet for minimum front, side and rear yard.

The Township shall, on a case-by-case basis determine whether increased setbacks are warranted consistent with the "Potential Impact Radius" (PIR), defined by the relationship between the diameter of the adjacent pipeline (and appurtenances) and its maximum operating pressure (see Exhibit 1), whether high on-site populations are located in close proximity, and whether more than one transmission pipeline (such as coupled lines) will be managed at the surface land use affiliated thereto. The PIR approach is applicable only to surface land uses affiliated with "gas" or "petroleum gas" transmission pipelines as defined by Title 49, Code of Federal Regulations, Section 192.3. Surface land uses affiliated with transmission pipelines carrying "hazardous liquids", as defined by Title 49, Code of Federal Regulations, Section 195.2, shall adhere to the setback standards contained in this subsection.

Commented [KC6]: I do not like a provision that allows the regulation to be varied without any specific standard to apply and limiting range of how much the setback may be increased. This could be challenged as void for vagueness. How much can it be varied?  
Commented [KC7]: Same comment as above. I do not like regulations to be set on a case by case basis without any standards to be applied or maximum variation.

*Note: Although Act 13's setbacks were 750 feet from compressor stations, the Act also provided PADEP latitude to reduce such setbacks if waived by the owner of adjacent buildings or adjoining lots. Municipalities wishing to consider larger setbacks for surface land uses affiliated with petroleum or other hazardous liquid pipelines should only do so if they believe they can justify the need for larger setbacks to protect High Consequence Areas (areas with high on-site populations) or Unusually Sensitive Areas (areas with unique natural resource constraints). Any increase or decrease in setbacks should be reviewed by the municipal solicitor. The municipality should consider retaining special counsel to present the case for larger setbacks when/if the conditional use process is utilized.*

- (2) Landscaping. The applicant shall provide a plan prepared by a landscape architect licensed in Pennsylvania showing landscaping proposed to be installed to screen and buffer surface land uses affiliated with transmission pipelines. The landscape plan shall incorporate the use of an eight-foot decorative fence surrounded by a mix of native vegetation, including evergreens, shrubbery and trees, which shall not be less than the height of the fence and shall be of sufficient density to screen the facility. Existing vegetation in proximity to surface land uses affiliated with transmission pipelines shall be preserved to the greatest extent possible. All proposed landscaping shall comply with the requirements of Section 240-27.C of the Zoning Ordinance ~~the Township's Subdivision and Land Development Ordinance (or substitute the location of any landscaping provisions of the Township Code)~~. Applicants shall submit a visual survey from mutually agreed upon vantage points in order to support the proposed landscaping plan's mitigation of visual impacts. (don't understand what a visual survey is.)

*Note: Municipalities could consider whether they wish to ask that the fence provide screening (less than fifty percent open) for surface land uses. In addition, the word "decorative" could be deleted if it is viewed as too subjective.*

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Commented [KC8]: May want to add landscaping to 240-27.C which arguably would apply to this use if it abuts a residential district and would require a buffer planting strip.

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- (3) Noise. Sound produced by the surface land use affiliated with transmission pipelines shall not result in noise or vibration exceeding the average intensity of noise or vibration occurring from other causes as measured at the property line at any time in a 24 hour period; in no case shall the sound pressure level exceed 60 dB(A) (according to the American National Standards Institute (ANSI) "a" weighted scale) at the property line closest to the land use.

Commented [KC9]: Suggest you just refer to compliance with Chapter 156 of the Code "Noise".

- (4) Odors. Odor, vapors or particulate matter produced by the surface land use affiliated with transmission pipelines shall not exceed the permissible emission of such substances occurring from other causes as measured at the property line. (what is that permissible level?) Specific contaminants shall be regulated by P.A. Code, Title 25, Environmental Protection, Part 1, Subpart C, Article III, Air Resources.

Commented [KC10]: Odors are regulated in 240-24.G as follows: All uses shall comply with all applicable state and federal laws and regulations controlling air pollution, dust, smoke, vapors, gases and odors. (2)

No use shall generate dust, smoke, soot, glare or odors that travel beyond the subject property, causing nuisances that would be significantly offensive to reasonable persons of ordinary sensitivities.

- (5) Signage. All signs, other than utility identification signs, appropriate warning

Draft: December, 2014

signs, or owner identification signs, shall be prohibited. There shall be no

antennae, advertising, or other items or material affixed to or otherwise placed on surface land uses affiliated with transmission pipelines, except as permitted by the Township, pursuant to its sign ordinance.

Commented [KC11]: Section 240-22 Q would allow signs in I and BP Dist.

- (6) Parking. If the surface land use affiliated with transmission pipelines is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of parking spaces shall be equal to the number of people on the largest shift. Parking spaces shall be located within the decorative fence and landscape buffer area so they are substantially concealed when viewed from surrounding properties. why does parking space have to be concealed from view?

Commented [KC12]: Suggest you add a specific number of spaces- 1 space if automated.

- (7) Access. Sufficient access shall be provided to surface land uses affiliated with transmission pipelines for routine maintenance and emergency operations. Such access shall be sufficient to accommodate emergency vehicles, shall be all weather accessible, and shall provide sufficient area to safely deploy emergency equipment.
- (8) Lighting. No surface land use affiliated with pipeline utilities shall be artificially lighted except as required for emergency night time access. Any such lights shall be shielded so as to prevent intrusion upon neighboring properties and shall not be directed in such a way as to create a nuisance to users of adjoining streets and property or subject them to direct glare or hazardous interference of any kind.
- (9) Engineered drawing submission. Applications for a land use affiliated with transmission pipelines shall be accompanied by engineering drawings prepared by an engineer licensed in Pennsylvania. The applicant shall show that all applicable Commonwealth of Pennsylvania and U.S. standards for the construction, operation, and maintenance of the proposed facility have been met.

Commented [KC13]: I believe constructing this use on a lot constitutes land development and thus would require submission and approval of a LD plan in which case this section is not needed.

- (10) Design. The applicant proposing a surface land use affiliated with transmission pipelines must demonstrate that the structure has been designed to blend in with or mimic existing structures in the landscape such as residential outbuildings, farm structures, or other uses permitted in the underlying districts.

Commented [KC14]: This may not be realistic for this type of use.

- (11) Visual impact. Any surface land use affiliated with transmission pipelines shall be designed and constructed so as to mitigate the visual impact from public roads and nearby uses. In addition, the color and other visual features of the land use affiliated with pipeline utilities shall be designed and installed in such a manner so as to create the least visual impact practicable. The applicant shall demonstrate compliance with this section, by among other things, providing photographic perspectives of the proposed site from all sides of the property, adjacent road ways and neighboring properties (with permission of the owners). Mitigation of visual impact shall be consistent with the landscaping requirements of Subsection C (2), above.

Commented [KC15]: This is very vague and subjective and thus will be hard to enforce.

- (12) Need. The applicant for a surface land use affiliated with transmission pipelines is required to demonstrate, using scientific and technological evidence, that the facility must be located where it is proposed in order to satisfy its function in the company's pipeline system and demonstrate that there is a need for this facility at the location where it will be located.
- (13) State and Federal Regulation. All applicants, whether commercial pipeline companies or otherwise, must demonstrate the submission of sufficient filings and/or receive sufficient approvals, as required, through the Federal Energy Regulatory Commission (FERC), the Pipeline and Hazardous Materials Safety Administration (PHMSA), and the Commonwealth of Pennsylvania [the Pennsylvania Department of Environmental Protection (PADEP) and/or the Pennsylvania Public Utilities Commission (PA PUC)]. Such documentation is not required as part of the initial application to the Township, but must be included prior to issuance of with the final as-built plans submitted upon approval by the Township.
- (14) Removal of surface land uses affiliated with transmission pipelines. Any surface land uses affiliated with transmission pipelines, including access roads and related infrastructure, that are no longer licensed and active shall be removed and the site restored to its original condition at the owner's expense within 60 days of the last date that the facility was licensed by the PADEP and FERC. A bond or escrow account shall be posted with the Township in an amount sufficient to ensure such removal and site restoration prior to the construction of the facility. The applicant shall have prepared and submit to the Township to accompany the bond or escrow account, an estimate of the cost necessary to remove the surface land use facility associated with the pipeline and restore the site to its preconstruction condition.

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 Commented [KC16]: Prefer the use of all necessary applicable filings and approvals, not sufficient.  
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Commented [KC17]: Is there a specific date when a license expires? How does Twp know when this license expires? Is 60 days enough time?

**Section 2.** The Code of the Township of \_\_\_\_\_, Chapter \_\_\_ thereof, being the \_\_\_\_\_ Township Zoning Ordinance, as amended (the "Zoning Ordinance"), Article \_\_, Section \_\_, Definitions, is amended by adding the following terms and definitions therefore in the correct alphabetical sequence:

**Pipeline** – As defined by Title 49, Code of Federal Regulations, Sections 195.2 and 192.3.

**Surface land uses affiliated with transmission pipelines** – Above-ground transmission pipeline facilities including, but not limited to, compressor stations, pumping stations, regulator stations, launcher/receiver stations, and other surface pipeline appurtenances.

**Transmission Pipelines** – Transmission pipelines include, but are not limited to, pipelines designed for the transmission of a "gas" or "petroleum gas", except a "service line", as those terms are defined by Title 49, Code of Federal Regulations, Section 192.3; also included are pipelines designed for the transmission of a "hazardous liquid", as defined by Title 49, Code of Federal Regulations, Section 195.2.

MODEL SUB-DIVISION ORD.  
FOR PIPELINES (w)  
COMMENTS FROM TWP.  
SOLICITOR  
5/29/2020

Draft: December, 2014

PLAN SUBMISSION, BUFFERING AND SETBACK FROM  
TRANSMISSION PIPELINES

Note: The sections of this ordinance are intended to be enacted as part  
of a Township's Subdivision and Land Development Ordinance.

AN ORDINANCE PURSUANT TO ARTICLE V OF THE  
PENNSYLVANIA MUNICIPALITIES PLANNING CODE, AMENDING  
CHAPTER \_\_\_ OF THE CODE OF ORDINANCES OF \_\_\_\_\_  
TOWNSHIP, BEING THE SUBDIVISION AND LAND DEVELOPMENT  
ORDINANCE BY PROVIDING FOR PLAN SUBMISSION, BUFFER,  
SETBACK, SIGNAGE AND LANDSCAPING PROVISIONS FOR NEW  
DEVELOPMENT ADJACENT TO TRANSMISSION PIPELINES.  
EFFECTIVE FIVE DAYS FROM ENACTMENT.

**Section 1.** The Code of the Township of \_\_\_\_\_, Chapter \_\_\_ thereof, being the \_\_\_\_\_  
Township Subdivision and Land Development Ordinance, as amended (the "Subdivision  
Chapter"), Article, Plan Requirements and Procedures, Sections, Plan Content for Preliminary  
and Final Plan Submissions, is amended by adding a new subsection, to read as follows:

( ) The location, center line right-of-way, and limits of easements for all transmission  
pipelines on the tract or on any abutting property.

**Section 2.** The Code of the Township of \_\_\_\_\_, Chapter \_\_\_ thereof, being the \_\_\_\_\_  
Township Subdivision and Land Development Ordinance, as amended (the "Subdivision  
Chapter"), Article, Design Standards, Section, is amended by adding a new section, to  
read as follows:

Section. Buffer Standards and Setbacks from Transmission Pipelines

A. Purpose

The purpose of this section is to help prevent and minimize unnecessary risk to the public  
health, safety and welfare due to transmission pipelines and ensure consistency with the  
intent of the Township's Comprehensive Plan. Recognizing it is impossible to eliminate  
risk entirely, this section is intended to:

- (1) Minimize the likelihood of accidental damage to transmission pipelines due to external  
forces, such as construction activity and equipment.
- (2) Avoid exposing land uses with high on-site populations that are difficult to evacuate.
- (3) Help reduce adverse impacts in the event of a pipeline failure.

Commented [KC1]: I have an overall concern with  
applying these standards to uses that are not the transmission  
pipeline use itself. The PC and Board should have a good  
understanding of how these regs if enacted would affect  
potential development of land. It may have unintended  
consequences.

Commented [KC2]: Are we sure the Township  
Comprehensive Plan includes this as a goal?

- (4) Ensure compliance with and supplement existing federal and state regulations related to transmission pipeline corridor management, among them the Federal Energy Regulatory Commission (FERC) and the Pennsylvania Oil and Gas Act.

B. Applicability

- (1) Setbacks. New residential buildings and all new commercial, industrial and institutional uses other than those surface uses affiliated with transmission pipelines shall be set back a minimum of three hundred (300) feet from any existing or proposed transmission pipeline right-of-way; such uses shall be set back from natural gas compressor stations or other surface land uses affiliated with transmission pipelines a minimum of seven hundred and fifty (750) feet or five hundred (500) feet from the nearest lot line of natural gas compressor stations or other surface land uses affiliated with transmission pipelines, whichever is greater. Other unoccupied residential or non-residential accessory uses such as but not limited to detached garages, parking areas, storage facilities or garden sheds shall not be located within two hundred (200) feet of any pipeline right-of-way.

Commented [KC3]: Same comment as above, This could be a significant "taking" of land if you have to be setback 300, 750 or 500 feet.

Setbacks may be modified by the Township pursuant to the type of material being transported in the pipeline and whether the applicant proposes high on-site populations. The Township shall, on a case-by-case basis determine whether increased setbacks are warranted consistent with the "Potential Impact Radius" (PIR), defined by the relationship between the diameter of the adjacent pipeline and its maximum operating pressure (see Exhibit 1), whether high on-site populations are proposed, and whether more than one transmission pipeline (such as coupled lines) exist (or are proposed). The PIR approach is applicable only to "gas" or "petroleum gas" transmission pipelines as defined by Title 49, Code of Federal Regulations, Section 192.3. Transmission pipelines carrying "hazardous liquids", as defined by Title 49, Code of Federal Regulations, Section 195.2 shall adhere to the setback standards contained in this subsection.

Commented [KC4]: I don't like language that allows modification if no standards are provided to determine what is an appropriate modification and who is permitted to make the modification.

*Note: Although Act 13's setbacks were 750 feet from compressor stations, the Act also provided DEP latitude to reduce such setbacks if waived by the owner of adjacent buildings or adjoining lots. The setbacks offered here are graduated to apply to different types of uses and settings. Municipalities wishing to consider larger setbacks for transmission pipelines (including petroleum or other hazardous liquid pipelines not addressed by the PIR approach) should only do so if they believe they can justify the need for larger setbacks to protect High Consequence Areas (areas with high on-site populations) or Unusually Sensitive Areas (areas with unique natural resource constraints). Any increase or decrease in setbacks should be reviewed by the municipal solicitor.*

No activity or grading within the pipeline setback shall create depressions or areas in which flammable or explosive materials may collect or accumulate; examples include but are not limited to grading for structures, stormwater management facilities or landscape beds. Furthermore, pipeline rights-of way shall be identified and protected during construction by erecting suitable temporary barricades (non disturbance fencing or silt fencing) and posting notices on-site.

Commented [KC5]: This language is very broad.

Commented [KC6]: If the pipeline is not on the applicant's property, they do not have the right to erect these barricades on private land.



*Note: Given the regulatory process undertaken to permit new pipelines, the economic variables that influence pipeline location, and the changing market for materials transported through pipelines, it is often very difficult to determine whether a "proposed" pipeline will be constructed. The intent of requiring applicants to plan for proposed pipelines is to ensure applicants undertake due diligence in their land planning activities - communicating with pipeline companies/operators about intended development, informing and involving municipal officials in such communications, and making informed decisions regarding the likelihood of proposed pipelines being constructed. Municipalities may wish to consider adding ordinance language such as the following:*

"Applicants undertaking development in proximity to proposed transmission pipeline rights-of-way shall determine the likelihood of the pipeline being installed through proactive communications with the pipeline company/operator; such communications shall involve municipal officials and a determination shall be made as to the likelihood of the pipeline being constructed. In the event the developer and municipality disagree regarding the likelihood of the pipeline being constructed, the applicant shall indicate the extent of the disagreement on the plan, shall provide a minimum 100 foot buffer from the proposed right-of-way, and shall indicate on both the property and lot deeds the inherent risks of being in close proximity to a pipeline should it be constructed in the future."

- (2) Consultation zone. Any application, other than those surface uses affiliated with transmission pipelines, for new residential structures and all new commercial, industrial and institutional uses (whether Class 1, 2, 3 or 4 locations pursuant to Exhibit 1), proposed within six hundred sixty (660) feet of any existing or proposed transmission pipeline right-of-way shall include written verification from the applicant that:
- (a) The applicant has contacted the pipeline operator(s) and has provided the pipeline operator(s) with documentation detailing the proposed development activity and where the activity is to take place;
  - (b) The applicant has made sufficient access to the pipeline available to the pipeline operator(s) for routine maintenance and emergency operations; and
  - (c) The pipeline operator(s) has reviewed the documents for compatibility with continued or proposed safe operation of the transmission pipeline(s).

It shall be clear in the written notification submitted with the application that the pipeline operator(s) has received and acknowledged documentation showing the proposed activity and its location.

**Commented [K7]:** The applicant has no control over whether the pipeline operator has reviewed the documents provided to them. All that you can do is require applicant to send notices and request that pipeline operator review and provide comments.

*Note: The 660 feet designation for consultation zones (above) and high on-site populations (below) is based upon "best practices" developed by the Pipelines and Informed Planning Alliance (PIPA), a planning committee formed by Pipeline and Hazardous Materials Safety Administration (PHMSA) (see the "Planning Near Pipelines" Introduction for more information).*

- (3) Land uses with high on-site populations. Applicants for land uses with high on-site populations within six hundred sixty (660) feet of a transmission pipeline shall develop appropriate mitigation measures to help reduce adverse impacts in the event of a pipeline failure. Such measures and/or corresponding plans shall be submitted to the Township for review. Land uses with high on-site populations include schools (through grade 12, trade schools, advanced education institutions, etc.), hospitals, clinics, multi-family housing, retirement and/or life care facilities, stadiums or arenas, day care centers, or large scale commercial, industrial or institutional uses of fifty (50) or more persons.

Commented [KC8]: Need to define what high on-site population is.

Commented [KC9]: The applicant may not have sufficient info to develop a useful or meaningful mitigation measures/plan. They are dependent on the pipeline operator providing risk assessment which we know is not always easy to obtain.

Mitigation measures intended to reduce risk and minimize impact in the event of a pipeline failure include but are not limited to: emergency procedures such as emergency plans and guides, employee training and drills, and education programs for occupants and employees concerning pipeline safety, such as what to be aware of and how to respond in the event of a problem. Applicants shall consult with the local Fire Marshal regarding the level of emergency planning and procedures appropriate for the proposed development; the Fire Marshall may also require submission of plans for review and approval where deemed appropriate.

- C. Land Development Design, Buffering and Screening. Applicants shall consider existing or proposed pipelines in their design and placement of lots, structures and roads. Specifically, consideration shall be given to incorporating the linear appearance of the pipeline right-of-way into the overall development design or landscaping in a manner that works with or minimizes the linear appearance of the pipeline right-of-way. Attempts shall be made to avoid creating a bisecting and unnatural linear space that does not relate to the land development.

Commented [KC10]: Some pipeline companies want to be able to clearly visualize the corridor from air to do visual inspections. Landscaping may interfere with this.

The applicant shall provide a plan prepared by a landscape architect licensed in Pennsylvania showing landscaping proposed to be installed to minimize the linear appearance of the pipeline right-of-way and screen and buffer new development from transmission pipelines in the event of an accident or failure. Landscaping can be used both to minimize the linear appearance of the pipeline right-of-way and buffer structures from those remedial activities associated with pipeline failure and clean-up.

The landscape plan shall incorporate a mix of native vegetation, including evergreens, shrubbery and trees, which shall be of sufficient density to meet the objectives outlined herein while permitting suitable points of access for pipeline personnel providing routine maintenance. Existing vegetation in proximity to transmission pipelines shall be preserved to the greatest extent possible. All proposed landscaping shall comply with the requirements of this Ordinance.

- D. Signage. Applicants shall consult with transmission pipeline operators to determine the need for, number of, and placement of utility identification signs, appropriate warning signs and owner identification signs. The number and placement of signs and their content shall be shown on plan submissions.

Draft: December, 2014

**Section 3.** The Code of the Township of \_\_\_\_\_, Chapter \_\_\_ thereof, being the \_\_\_\_\_ Township Subdivision and Land Development Ordinance, as amended (the "Subdivision Chapter"), Article\_\_\_\_, Section\_\_\_\_, Definitions, is amended by adding the following terms and definitions therefore in the correct alphabetical sequence:

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