

Union Township Board of Supervisors  
Public Hearing on Amendment to Zoning Ordinance  
Oil & Gas Extraction as Conditional Use  
April 26, 2010

The Public Hearing was called to order by Chairman Steve Parish at 7:00 pm. The hearing was held at the Union Township Municipal Building, 3904 Finleyville-Elrama Road, Finleyville, PA. The pledge of allegiance was recited. Board Members in Attendance by roll call were Steve Parish, Scott Tkach, Larry Spahr, Linda Evans and Andrew Tullai. Also in attendance: Donald Bucich-Zoning/Code Enforcement Officer, Harold Ivery, Jr.-Building Code Official, Dennis Makel-Solicitor, Judith Taylor-Secretary/Treasurer.

A court reporter from Seiler Court Reporting was present and a full transcript will be provided.

Mr. Makel noted that written comments were received prior to the hearing from Blaine Lucas, representing CNX Gas Company LLC and will be entered as part of the record. He also noted that the noise level provisions in the ordinance will be reviewed.

Mr. Makel stated that the exhibits to be appended to the transcript consist of copies of:

- A. Newspaper Advertisement for the Hearing
- B. Proof of Publication from the Observer-Reporter
- C. Signed Receipt from Law Library
- D. Signed Receipt from Washington County Planning Commission
- E. Letter dated April 9, 2010 from Jeffrey Leithauser with comments from the Washington County Planning Commission
- F. Minutes from Union Township Planning Commission Meeting

Paul Chasko, 3875 Finleyville-Elrama Road, commented that the ordinance amendment is silent on oil and gas leases. He questioned if provisions in individual leases between residents and drilling companies would override the ordinance. Mr. Makel stated the ordinance would override a lease unless the issue is state law.

Representatives of Chesapeake Energy Corporation presented several comments as well as stated that written comments would be forwarded to Mr. Makel and the township. They felt in general the ordinance was impermissibly broad: a conditional use requirement should not be in all zoning districts; compressor stations and processing plants should be addressed in a separate ordinance; 10-acre minimum for drill site is too high; potential leaks are covered under state law; noise levels should be different in the various zoning districts. Chesapeake will provide information on appropriate decibel levels from their experience.

Chesapeake also questioned when their grading permit application will be approved. Mr. Makel stated they will be contacted within a few days.

*Subject to Board Approval 5/10/10*

**Motion** to enter Exhibits A through F into evidence with the addition of Exhibit G as the ordinance itself and Exhibit H as the information submitted by Andrew Tullai concerning decibel levels

Motion by Larry Spahr, Second by Scott Tkach

Roll Call Vote: Parish-yes, Tkach-yes, Spahr-yes, Evans-yes, Tullai-yes. Motion carried.

**Motion** to continue the public hearing to a future date and time

Motion by Scott Tkach, Second by Linda Evans

Roll Call Vote: Parish-yes, Tkach-yes, Spahr-yes, Evans-yes, Tullai-yes. Motion carried.

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Judith L. Taylor, Secretary