

# COVERT TOWNSHIP

## PLANNING COMMISSION

MINUTES OF THE May 15, 2024 REGULAR MEETING

6:30 P.M., COVERT TOWNSHP HALL

### Call to Order / Roll Call / Pledge of Allegiance

Chair Rendell called the meeting to order at 6:30 p.m.

Members Present: Robert Brown, Tom Bury, Luke Dennison, Austin Harding, Jena Johnson, Wayne Rendell, Lonze Taylor

Members Absent: None

Others Present: Rebecca Harvey, Township Planning Consultant

### Approval of Agenda

Motion by Brown, seconded by Bury, to approve the agenda of the May 15, 2024 regular meeting, as presented. Motion carried unanimously.

### Approval of Minutes – *April 17, 2024 Regular Meeting*

Motion by Brown, seconded by Taylor, to approve the minutes of the April 17, 2024 regular meeting, as presented. Motion carried unanimously.

### Public Comment on Non-Agenda Items

No public comment was offered on non-agenda items.

### Ongoing Business

***Text Amendment: Battery Storage Facilities***

Chair Rendell reminded that the Commission considered Draft #2 of proposed amendments to Section 2.02 – Definitions and Section 18.34 – Battery Energy Storage Systems (BESS) in April. Following review and discussion, the Planning Commission directed Harvey to revise the draft text as discussed and submit same to the Township Attorney for final review and to the Township Zoning Administrator and Building Official for comment. It was agreed that review of Draft #3 and consideration of the requested technical reviews would be scheduled for the May meeting.

Harvey provided an overview of Draft #3 and referenced the Covert Township Anti-Noise and Public Nuisance Ordinance provided to the Commission for reference. She recited the Township Attorney’s preliminary review comments on Draft #3, noting that a complete/final review had not yet been received. Harvey advised that the Zoning Administrator reviewed the draft text and offered no changes . . . and that no review response had been received from the Building Official to date.

Lengthy discussion of Draft #3 ensued. The Commission noted that all requested revisions were made and are satisfactory. The amendment of Subsection B.8. so as to apply the standards of the Noise Ordinance, namely to require measurement at the property line rather than ‘the outside wall of any residence of a non-participating lot’, was considered at length. It was agreed that requiring the measurement of noise levels at the property line more effectively protects future buildings/uses on adjacent properties.

Public comment on the discussion was then offered. Liz Smaka noted that she lives in the vicinity of the industrial zoning where BESS facilities are proposed to be allowed and expressed concern with the noise potential. To that end, she expressed support for applying the measurement standard established by the Noise Ordinance. She stated that she is interested in feedback from the future BESS applicant present regarding the proposed noise standard. Smaka further noted that adoption of local standards for battery storage facilities may result in applicants choosing the local review process instead of the state process. She opined that the shorter review process equates to incentivizing these types of facilities in the Township and that she does not feel that is in the best interest of the Township.

David Jakubiak of Aileron Communications stated that they find the proposed ‘65 db level as measured at the property line’ standard acceptable. He requested the Township also consider adding a waiver provision that would allow a non-participating adjacent landowner the ability to ‘authorize’ a non-compliant noise level.

Barbara Norman stated that she feels Covert Township is currently home to several energy-related facilities and that there is not a need for the Township to accommodate all related uses. She noted that other types of growth in the Township are desired.

The Planning Commission explained the impact of PA 233 on the Township and the merit of adopting local standards, which allows: 1) the establishment of higher and locally-specific standards, and 2) Township participation in the review/approval process.

Taylor stated that he feels the lack of public sewer in the Township is what largely serves to discourage local development.

The Planning Commission proceeded with an in-depth discussion of the proposed noise-standard, noting the pros/cons of the State standard and the local Noise Ordinance. In conclusion, the following points of consensus were noted:

- There is support for the proposed approach to limit Tier 2 energy storage facilities to the I Industrial District as a special land use.
- There is support for the modified Subsection B.8. so as to reference compliance with the Township's existing noise ordinance.
- There is some interest in the idea of a 'noise waiver' option.
- Township Attorney review of Draft #3, including the 'noise waiver' idea, is requested.

The Planning Commission directed Harvey to coordinate a review of Draft #3 by the Township Attorney. It was agreed that the review comments would be considered at the next meeting and a public hearing on the draft text scheduled.

## **New Business**

### ***Text Amendment: Shipping/Storage Containers***

Chair Rendell reminded that the topic of 'shipping/storage containers' was added to the Work Plan in January as a Priority #2 Work Item. He noted that he had requested Harvey provide background information and sample ordinances on the subject to allow for initial Planning Commission consideration.

Harvey referenced two informational articles provided on the use of shipping containers for storage and for housing/retail space . . and sample ordinances for same from the City of Hastings, Atlas Township, Conway Township and Wakefield Township.

Planning Commission discussion ensued wherein the following was noted:

- There is quite a bit of interest in the Township for the use of shipping containers.
- There is support for allowing the use of shipping containers for accessory use only.
- There are safety concerns with the use of shipping containers for housing.
- There are many issues to resolve, such as: where to allow; required permitting; how to address existing shipping containers in the Township.

Johnson reviewed Sections 18.12 and 18.14 and how they might apply to the use of shipping containers. Chair Rendell indicated a preference for the approach used in the Conway Township ordinance. Dennison added that the maintenance provision set forth in the Wakefield Township ordinance should be considered.

Harvey was then directed to prepared draft text based on the Planning Commission's discussion for consideration at the next meeting.

### **Communications**

Chair Rendell noted receipt of the compiled survey results and indicated that the form in which the results were provided was much easier to review than the raw data previously requested. Harvey noted that the compilation received will also be included in the Master Plan.

Harvey then reported on the status of the Master Plan/Coastal Management Plan project.

### **Adjournment**

There being no further business to come before the Commission, the meeting was adjourned at 8:18 p.m.

Respectfully Submitted,  
Rebecca Harvey, AICP, PCP  
(McKenna)Township Planning Consultant