

**Jackson Township, Cambria County, Pennsylvania**

**Resolution 1-06-2015**

**Adopted** this 25th day of June, 2015, by the Jackson Township Supervisors at a duly advertised regularly scheduled meeting, following consideration at a public meeting of the Jackson Township Planning Commission and written recommendation of the Cambria County Planning Commission and testimony from the public at public hearing conducted in conformance with the conditional use requirements of the Pennsylvania Municipalities Planning Code and Jackson Township Zoning Ordinance No. 168 adopted June 9, 2011 and an amendment thereto, Ordinance No. 176 adopted December 18, 2014, providing for a conditional use for qualified fuel power generating facilities in the Industrial Zoning Districts.

**NOW THEREFORE, Be It Resolved**, that the Jackson Township Board of Supervisors accepts the application as submitted and based upon testimony provided hereby approves the Conditional Use Application of CPV Fairview. LLC to construct a natural gas generation facility, pursuant to Section 1008 of the Jackson Township Zoning Ordinance, on property located at or near 2862 William Penn Avenue, properties identified as Cambria County Tax Map Numbers 34-014-115.00, 34-014-134.003, 34-014-134.002, 34-014-134.00, 34-14-115.001, 34-014-117.000 and 34-014-134.001, subject to the following terms and conditions:

I. The Board of Supervisors approves the following modifications from the requirements of the Zoning Ordinance:

1. The site plan materials included in the Conditional Use Application reflect a scale of one inch equals 150 feet instead of one inch equals 100 feet as described in Section 1010.C(b) of the Zoning Ordinance. Such modification in scale is hereby approved based on the large size of the Project site compared to the typical size of project sites for which a conditional use approval is requested.
2. The site plan materials included in the Conditional Use Application reflect site contours at five (5) feet intervals instead of two (2) feet intervals as described in Section 1010.C(10) of the Zoning Ordinance. Such modification in contour intervals is hereby approved based on the large size of the Project site compared to the typical size of Project sites for which a conditional use approval is requested.
3. The aerial photography used in the Key Map showing surrounding structures provides sufficient detail to identify surrounding structures.
4. The Board of Supervisors further determines that the Applicant has established that a height of up to 250 feet above grade for the two exhaust combustion turbine/heat recovery steam generator (HRSG) stacks at the Project, the HRSG units, the auxiliary boiler stack, and certain related equipment (which exceeds the 75 foot limitation set forth in Section 504.E of the Zoning Ordinance) is reasonably necessary to accomplish the Qualified Fuel Power Generation Facility use of the Project and such use cannot be practicably accomplished without the additional requested height and such additional requested height is hereby approved.

II. The foregoing approval is further conditioned upon the receipt and further approval by the Jackson Township Board of Supervisors of the following items:

A. Submission of a final Land Development Plan which shall include:

1. As part of the Land Development Plan for the Project, the Applicant shall submit and receive approval from the Board of Supervisors of a final landscape/buffer plan satisfying the requirements of Section 1009.A and Section 1010.C(b)(3) of the Zoning Ordinance.
2. As part of the Land Development Plan for the Project, Applicant shall submit and receive approval from the Board of Supervisors of a final lighting plan satisfying the requirements of Sections 1009.D and 1010.C(b)(5) of the Zoning Ordinance.
3. As part of the Land Development Plan for the Project, Applicant shall submit and receive approval from the Board of Supervisors of a signage plan satisfying the requirements of Section 1010.C(b)(5) of the Zoning Ordinance.
4. As part of the Land Development Plan for the Project, Applicant shall submit and receive approval of a final stormwater management plan satisfying the requirements of Section 1010.C(b)(7) of the Zoning Ordinance. The stormwater management plan shall comply with the applicable requirements of the Jackson Township Stormwater Ordinance and the Pennsylvania Department of Environmental Protection regulations codified in 25 Pa. Code Ch. 102.
5. As part of the Land Development Plan for the Project, Applicant shall submit information demonstrating to the Board of Supervisors that the Project satisfies the sound attenuation requirements of Section 1009.E of the Zoning Ordinance.

B. Submission of an updated Emergency Response Plan:

6. The draft Emergency Response Plan submitted as Tab 6 of the Conditional Use Permit application is determined to satisfy the requirements of Section 1008.E of the Zoning Ordinance relating to hazardous chemical management plan requirements. Prior to commencement of Project operations, the Project Owner shall provide to the Township an updated Emergency Response Plan, and shall thereafter maintain, implement and periodically update such plan in accordance with applicable federal and state regulations. As provided in the federal Spill Prevention, Contingency and Countermeasure (SPCC) regulations, the Emergency Response Plan shall be reviewed at least once every five years. The Project Owner shall provide to the Township a copy of any updates to the Emergency Response Plan. Prior to the storage of any hazardous chemicals of a type not listed in the hazardous chemical management plan in quantities in excess of the Emergency Planning and Community Right to Know Act §311(b) threshold quantities or which are used outside of an enclosed building or structure in a manner that could cause a release beyond the boundaries of the Project Owner's property, the Project Owner shall provide notice to the Board of Supervisors, with a description of the methods to be used to assure proper storage, containment and use of such hazardous chemicals such as to avoid the accidental spill or other unpermitted

release of such hazardous chemicals into the environment or onto neighboring properties. Any hazardous chemicals, irrespective of quantity, shall be managed in compliance with all applicable environmental laws and environmental permits, and the Project Owner's Emergency Response Plan prepared and approved under applicable Pennsylvania Department of Environmental Protection requirements.

7. Any combustible or flammable liquids, solids or gases shall be stored in a manner that complies with the applicable provisions of the Pennsylvania Combustible and Flammable Liquids Act and Pennsylvania Storage Tank and Spill Prevention Act.
8. The storage and management of any fuels, raw materials, byproducts or wastes shall comply with all applicable Pennsylvania Department of Environmental Protection regulations.
9. The Applicant shall construct and operate the Project in compliance with an Air Quality Plan Approval for construction of the Project and a Title V Operating Permit for operation of the Project pursuant to the Pennsylvania Air Pollution Control Act.

C. Submission of a lot merger subdivision plan:

10. Applicant shall submit and receive approval from the Board of Supervisors of a lot consolidation plan pursuant to the Jackson Township Subdivision and Land Development Ordinance in which the separate lots which comprise the Project site, (34-014-115.00, 34-014-134.003, 34-014-134.002, 34-014-134.00, 34-14-115.001, 34-014-117.000 and 34-014-134.001) shall be consolidated into a single land parcel.

D. Pennsylvania Department of Transportation Approval of:

11. FAA Form 7460-1, Notice of Proposed Construction
12. Driveway Permit and Highway Occupancy Permit

E. With respect to continuing compliance with the conditions set forth in Section 1009 of the Jackson Township Zoning Ordinance:

13. The Project Owner shall maintain the Buffer Yard in accordance with the Buffer Yard plan approved pursuant to Section 1009.A.
14. The Project Owner shall submit to the Township an annual certification of continued compliance with the requirements for outdoor storage control described in Section 1009.B.
15. The Project Owner shall provide to the Township a copy of the Project's periodic compliance certification reports submitted to the Pennsylvania Department of Environmental Protection pursuant to the Pennsylvania Air Pollution Control Act and related regulations.
16. Within six months of completion of Project construction, the Project Owner shall submit a report to the Township confirming that the installed lighting meets the glare control requirements of Section 1009.D of the Zoning Ordinance.


17. If, following completion of Project construction and commencement of Project operations, the Township receives what the Township believes to be valid complaints of excess noise emanating from the Project, the Project Owner shall engage a competent sound consultant to investigate such conditions. If such investigation concludes that Project operations are in violation of the requirements of Section 1009.E of the Zoning Ordinance, the Project Owner shall prepare, submit to the Township, and implement a plan to achieve compliance with the requirements of Section 1009.E of the Zoning Ordinance.
- III. Construction and operation of the Project shall comply with the standards and requirements set forth in Sections 1008 and 1009 of the Jackson Township Zoning Ordinance and in effect as of the date of this approval. In the event of any non-compliance with the standards and requirements of Sections 1008 or 1009 of the Jackson Township Zoning Ordinance or other items of compliance specifically referenced in this approval, no enforcement action shall be brought unless and until notice of non-compliance has been provided to the Project Owner's and either (i) the Project Owner have failed to correct the non-compliance within 60 days, or (2) where the problem cannot be corrected within 60 days, the Project Owner have submitted to the Township and thereafter implement a plan to correct such non-compliance with the applicable standards and requirements of Sections 1008 and 1009 of the Jackson Township Zoning Ordinance and other items of compliance specifically referenced in this approval.

A Copy of this determination shall be provided to the Applicant and to interested persons in conformity with provisions of the Municipalities Planning Code and the Jackson Township Zoning Ordinance.

**JACKSON TOWNSHIP BOARD OF SUPERVISORS**

By:   
Bruce A. Baker, Chairman

By:   
John A. Wallet, Supervisor

By:   
Eric W. Dreikorn, Supervisor

ATTEST:



David M. Hirko, Township Secretary

(Seal)