

ORDINANCE NO. 8A-03-1988

AN AMENDMENT TO THE CENTRE TOWNSHIP CENTERPORT BOROUGH ZONING ORDINANCE OF 1982, AS AMENDED, BY REPEALING AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A ZONING DISTRICT KNOWN AS "THE SPECIAL INDUSTRIAL DISTRICT" WHICH DISTRICT ALLOWED SANITARY LANDFILLS AND PROVIDED FOR THE AMENDMENT OF THE ZONING MAP AND ESTABLISHES CONDITIONAL USE PROCEDURES GENERALLY AND WHEN CONSIDERING APPLICATIONS FOR USE OF LAND AS A SANITARY LANDFILL AND PERMITTED SANITARY LANDFILLS AS A CONDITIONAL USE IN THE SPECIAL INDUSTRIAL DISTRICT, AND PROVIDING THAT THE AREA PREVIOUSLY ZONED S-I REVERT TO R-1.

BE IT ENACTED AND ORDAINED by the Board of Supervisors to the Township of Centre and the Council of the Borough of Centerport that the Centre Township and Centerport Borough Zoning Ordinance of 1982, as amended, be further amended as follows:

SECTION I. Ordinance No.8A-01-86 enacted on January 6, 1986 is hereby repealed in its entirety. The said Ordinance No. 8A-01-86 reads as follows:

SECTION 1. Article III, Section 302, Types of Districts, is hereby amended to provide a new district as follows:

SI - SPECIAL INDUSTRIAL DISTRICT

SECTION 2. Article III, Section 303, Zoning District Maps, is hereby amended to change the following described parcel of land from R-1 Farm District to SI - Special Industrial District on the Zoning District Map, as follows:

All that certain land as shown on the Zoning District Map, situate in the Township of Centre, County of Berks and Commonwealth of Pennsylvania, being more fully bounded and described as follows; to wit: beginning at the Western corner of Centre Township, thence Southeast along the Centre and Penn Townships boundry line for a distance of fifteen hundred feet, thence in a Northeast direction creating a ninety degree angle

SECTION 1005F(2). APPLICATIONS

Application for conditional use shall be made to the Board of Supervisors or the Borough Council as the case may be, and shall be accompanied by the material and data as required by this Ordinance, along with such other written and graphic material as may be required by the Board of Supervisors or the Borough Council as the case may be, to adequately make the determination set forth herein. All applications, along with the material and data required by this Ordinance, shall be submitted in quadruplicate, and shall be accompanied by such fees as shall be set forth in a resolution of the Board of Supervisors or the Borough Council as the case may be, in an amount sufficient to cover all Municipal costs. The Board of Supervisors, or the Borough Council as the case may be, shall submit the application to the Centre Township Centerport Borough Joint Planning Commission for review. The Planning Commission shall complete its review within sixty (60) days after receipt thereof.

SECTION 1005F(3). PUBLIC HEARINGS

Within seventy-five (75) days after the filing of an application, the Board of Supervisors, or the Borough Council as the case may be, shall hold a public hearing pursuant to the public notice as provided in the Pennsylvania Municipalities Planning Code.

SECTION 1005F(4). DETERMINATION BY THE BOARD OF SUPERVISORS OR THE BOROUGH COUNCIL AS THE CASE MAY BE

The Board of Supervisors, or the Borough Council as the case may be, shall, within ninety (90) days of the date of application, render

a final decision, and shall by official written communication to the applicant either:

- a. Approve the application as presented;
- b. Disapprove the application as presented; or
- c. Approve the application subject to specified conditions.

Failure to act within the said period shall be deemed to be a grant of approval of the application.

#### SECTION 1005F(5). GENERAL STANDARDS

In considering any conditional use permitted by this Ordinance, the Governing Body shall, among other things:

- a. Assure itself that the proposed use is consistent with the spirit, purpose and intent of the Zoning Ordinance.
- b. Determine that the proposed use will not substantially injure or detract from the use of the neighborhood property or from the character of the neighborhood, and that the use of the property adjacent to the area included in the proposed change or plan is adequately safeguarded.
- c. Determine that the proposed use will serve the best interests of the Political Subdivision, the convenience of the community (where applicable), and the public health, safety and welfare.

d. Consider the effect of the proposed use upon the logical, efficient and economical extension of public services and facilities such as public water, sewers, police and fire protection, and public schools, and assure adequate arrangements for sanitation in specific instances.

e. Be guided in its study, review and recommendation by sound standards of land development practice where applicable.

f. Guide the development of state and county highway frontage insofar as possible so as to limit the total number of access points and to encourage the frontage of buildings on parallel marginal roads or on roads perpendicular to the highway.

g. Impose such conditions, in addition to those required, as are necessary to assure compliance with the general purpose and intent of the Zoning Ordinance, which conditions shall include, but are not limited to, harmonious design of buildings, planting and its maintenance as a sign or sound screen, and minimization of noxious, offensive or hazardous elements.

h. Weigh each case on its own merits, separately, based upon pertinent information presented or known to the Board, and without regard to any previous case.

SECTION 7. A new Section to Article VI-A shall read as follows

SECTION 600A. SANITARY LANDFILLS AS A CONDITIONAL USE

1. APPLICATIONS

An applicant wishing to establish and operate a sanitary landfill shall present the following with its application:

a. A topographical drawing, prepared by a professional engineer registered in the State of Pennsylvania, to a scale no greater than 1" -- 100 feet, showing:

- (1) Location of site relative to public roads;
- (2) Owners of adjacent properties;
- (3) Proposed fencing and improvements;
- (4) Proposed screening;
- (5) Cross sections showing the existing grades and the proposed grades upon completion and closure of the use;
- (6) Landfill areas within the site, to include staging of mining and quarrying development and the location of haul roads and access roads;
- (7) Location of equipment cleaning and tire cleaning areas; and
- (8) Location of weighing scales, fire fighting equipment and all facilities.

b. The names and current addresses of any and all persons who own any interest, real or equitable, in the real estate which is the subject of the application;

c. The names and current addresses of any and all persons having any ownership interest in any corporations or other business entities which may be set forth in answers to "b" above, where such persons possess an ownership interest of ten percent (10%) or more;

d. The names and current addresses of any and all persons having any interest in the operation or proposed operation, maintenance and use of the real estate in question as a landfill;

e. The names and current addresses of any and all persons having any ownership interest in any corporations or other business entities which may be set forth in answer to "d" above, where such persons possess an ownership interest of ten percent (10%) or more; and

f. An access road survey, which shall include the following:

(1) statement as to the estimated number of vehicles weighing over seventeen thousand (17,000) pounds, loaded, which are expected to use the site on a daily basis during the first two (2) years of operation; and

(2) a plan indicating all roads anticipated to be used as access roads, as defined herein.

g. The interrelationships and cumulative environmental (including economic) impact of the proposed use and shall be stated with adequate technical analysis;

h. The sources of data used to identify, quantify or evaluate any and all of environmental consequences must be expressly noted;

i. The relationship of the proposed use to land use plans, policies and controls for the affected area, including a statement as to how the proposed use may conform or conflict with the objectives and specific terms of existing or proposed federal, state, county and township land use plans, policies and controls;

j. An analysis of:

(1) The primary and secondary effects of the use and its capacity to stimulate or induce changes in patterns of social and/or economic activities;

(2) The impact on existing community facilities and activities, changes in natural conditions, animals, etc.; and

(3) The effect on natural and cultural features such as streams, mountains, historic sites, landmarks, principal roads, lakes and towns;

k. Specific data relating to the impact of the use on local vehicular traffic;

l. Specific data relating to the impact of the use on local water supplies, streams and rivers;

m. Specific data relating to the impact of the use on natural and man-made local storm drainage facilities and areas;

n. Specific data relating to the impact of the landfill on the existing flood-hazard areas of the political subdivision details of any measures or precautions which may have to be taken in order to provide adequate flood control in the political subdivision;

o. A statement of any probable adverse environmental effects which cannot be avoided (such as water or air pollution, undesirable land use patterns, damage to life systems, congestion, threats to health or other consequences adverse to the environment). Included for purposes of contrast should be a clear statement of how other avoidable adverse effects will be mitigated;

p. The relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity. This section



should contain a brief discussion of the extent to which the proposed action involves short-term environmental gains at the expense of long-term losses, or the converse, and a discussion of the extent to which the proposed action forecloses future options. In this context, the words short-term and long-term should be viewed in terms of the environmentally significant consequences of the proposed action;

q. The aesthetic impact of the proposed action including its impact upon visual quality of the surrounding community;

r. An analysis of the success and/or failure of similar projects, if the proposed project is of a nonconventional nature. Determination of the conventional or nonconventional character of the proposed project will be made by the political subdivision's engineer;

s. A statement of any adverse effects on employment, taxes and property values;

t. A statement of any effects on community growth; and

u. A statement describing the location and impact of the project on nearby recreation areas.

In developing the above data, applicant shall convey the required information succinctly in a form easily understood both by members of the public and by public decision makers, giving

attention to the substance of the information conveyed rather than to the particular form, or length, or detail of the statement. Statements should indicate, at appropriate points in the text, any underlying studies, reports, and other information obtained and considered by the applicant in preparing the statement. Care should be taken to insure that the statement remains an essentially self-contained instrument capable of being understood without the need for cross reference.

Each environmental statement should utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decisionmaking which may have an impact on the environment. Application of such an approach should help assure a systematic evaluation of reasonable alternative courses of action and their potential social, economic, and environmental consequences.

2. REQUIREMENTS AND STANDARDS APPLICABLE TO LANDFILLS

Prior to approving a site for use as a landfill, the governing body shall require that:

a. Any application for a landfill shall be in compliance with the requirements of the Pennsylvania Department of Environmental Resources and, prior to the onset of operation of such landfill, a permit must be obtained from Pennsylvania Department of Environmental Resources for said operations;

b. The landfill shall be located so that safe and adequate access is available over public roads at all times. In doing so, any access road, as defined herein, to the proposed landfill shall be a minimum of twenty-four (24) feet (Paved Cartway) in width and paved with bituminous or concrete materials having a surface and base course of sufficient depth to withstand traffic loads, determined by the number and weight of trucks anticipated in a daily operation of the proposed landfill. The governing body shall require that the cost of improvement of access roads to provide this standard of access shall be assessed against the applicant either by requiring contribution of monies sufficient to pay for the improvements to the access roads, or by assessing dumping fees on the operation of said landfill sufficient to pay for the improvements to the access roads. Applicant shall give written assurance by corporate surety bond that, within one (1) year of the termination of the landfill operation, all access roads will be restored, if necessary, to their condition as existing immediately prior to the commencement of the operation as determined by the political subdivision's engineer.

c. The landfill site shall be properly fenced along the interior boundary of the buffer zone to prevent blowing papers and other refuse on adjoining properties.

The fence shall be galvanized metal wire mesh constructed of No. 9 gauge wire woven in a two (2) inch mesh in full conformance with the American Society of Testing Materials specification A 491-71. The surface height of the fence shall be eight (8) feet, plus any additional minimum of three (3) strands of barbed wire, installed, at least six (6) inches apart, onto brackets affixed to the top of the fence at an angle forty-five (45) degrees from vertical facing away from the landfill. The fence shall contain, at all entrances, gates which are locked except during business hours. In addition, temporary litter control fences shall be installed, in such a manner as to prevent litter from dispersing onto the landfill site, no more than seventy-five (75) feet downwind from the immediate operating area. The landfill site shall be adequately policed, and all litter shall be collected daily and incorporated into the landfill.

d. The landfill site shall be graded and provided with drainage facilities to minimize runoff, prevent erosion, and prevent collection of standing water. Quality and quantity of discharge upon adjacent property shall not exceed the same as it existed prior to the existence of the landfill.

e. The landfill shall be located a minimum of four hundred (400) feet from any other zoning district

boundary line, and at least five hundred (500) feet from any existing residence or any residence under construction at the time of application.

f. The landfill shall be located a minimum of two hundred (200) feet from any street not located within the landfill site and two hundred (200) feet from any adjoining property line.

g. Minimum lot size shall be seventy-five (75) acres.

h. The landfill, as well as all improvements erected on the landfill site, shall be screened from view from the adjoining property boundaries, by a buffer zone of a minimum of two hundred (200) feet between said site and improvements, and any adjoining property, in which shall be placed a planting screen consisting of a variety of evergreen trees in a solid double row minimum of ten (10) feet by ten (10) feet staggered planting with a minimum height of nine (9) feet so as to create a visual screening of said site and improvements from all adjoining real property.

i. Buildings shall be constructed on the landfill site to house equipment when not in use.

SECTION 8. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 9. Severability. If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Supervisor of Centre Township and the Borough Council of the Borough of Centerport that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 10. Effective Date. This ordinance shall become effective thirty (30) days after passage.

SECTION II. Article III, Section 303, Zoning District Map is hereby amended to change the below described parcel of land from SI to R-I Farm District on the Zoning Map, as follows:

All that certain land as shown on the Zoning District Map, situate in the Township of Centre, County of Berks and Commonwealth of Pennsylvania, being more fully bounded and described as follows; to wit: beginning at the Western corner of Centre Township, thence Southeast along the Centre and Penn Townships boundry line for a distance of fifteen hundred feet, thence in a Northeast direction creating a ninety degree angle with Centre and Penn Township boundry line to the center of Legislative Route LR06193, thence in a Northwest direction creating a ninety degree angle with former district boundry and forming a parallel with the Western boundry of Centre and Penn Townships to the Centre and Upper Bern boundry line, thence along the Centre and Upper Bern boundry line in a Southwest direction to point and place of beginning. Containing in area one hundred and five acres.

SECTION III. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION IV. Severability. If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Supervisor of Centre Township and the Borough Council of the Borough of Centerport that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION V. Effective Date. This ordinance shall become effective thirty (30) days after passage.

APPROVED by the Board of Supervisors of the Township of Centre and by the Council of the Borough of Centerport, and enacted into an Ordinance this 13<sup>TH</sup> day of JULY, 1988.

ATTEST:

TOWNSHIP OF CENTRE

George C. Seifrit  
Secretary

By: Albert W. Berlingo Sr.  
Chairman of the Board

Harold A. Spat  
Supervisor

Howard W. Miller  
Supervisor

ATTEST:

BOROUGH OF CENTERPORT

Kathy M. Henry  
Secretary

By: Dwain C. Henry  
President of Council

Morris F. Wagner  
Mayor