

**NORTH FAYETTE TOWNSHIP
PLANNING COMMISSION**

**REGULAR MEETING
TUESDAY, JANUARY 20, 2015
7:30 P.M.**

The meeting was called to order with Mr. Bob Owens presiding.

ROLL CALL:

Bob Owens, Chairman
Bill Fitzgerald, Vice Chairman
David Cosnek, Board Member
Fred Lutz, Board Member
Charles Kyle, Board Member
Tom McDermott, Township Solicitor
Shawn Wingrove, EIT
Laura Ludwig, Township Community Development Director
Cheryl Cherico, Recording Secretary

MEMBERS ABSENT:

None

OTHERS PRESENT:

Jim Andeits, A-1 Real Estate
Roger Zacher, 612 Parliament Dr., Moon Township
Mike Salai, Wind Ridge Engineering Co.
Matthew Kozares, Land Clearing/Wood Waste
Jeff Sabo, 101 Cobblestone Dr.
Chuck Friend, 130 Stonebridge Dr.
Anthony Pompeo, Penn Lincoln Shopping Center
Gwen Ogle, Life Span
Wayne DeLuca, Attorney for Wood Waste

REORGANIZATION:

Mr. Owens asked for a nomination of Chairman for the Planning Commission for the year 2015.

A MOTION WAS MADE BY Mr. BOB OWENS, SECONDED BY Mr. FRED LUTZ, AND CARRIED, TO NOMINATE DAVID COSNEK AS CHAIRMAN FOR THE PLANNING COMMISSION FOR THE YEAR 2015.

ROLL CALL:	BILL FITZGERALD	YES
	DAVE COSNEK	YES

FRED LUTZ	YES
CHUCK KYLE	YES
BOB OWENS	YES

Mr. Owens asked for a nomination of Vice Chairman for the Planning Commission for the year 2015.

A MOTION WAS MADE BY Mr. BILL FITZGERALD, SECONDED BY Mr. DAVE COSNEK, AND CARRIED, TO NOMINATE CHARLES KYLE AS VICE CHAIRMAN FOR THE PLANNING COMMISSION FOR THE YEAR 2015.

ROLL CALL:	BOB OWENS	YES
	BILL FITZGERALD	YES
	FRED LUTZ	YES
	CHUCK KYLE	YES
	DAVE COSNEK	YES

Mr. Owens asked for a nomination of Secretary for the Planning Commission for the year 2015.

A MOTION WAS MADE BY Mr. BILL FITZGERALD, SECONDED BY Mr. DAVE COSNEK, AND CARRIED, TO NOMINATE LAURA LUDWIG AS SECRETARY FOR THE PLANNING COMMISSION FOR THE YEAR 2015.

ROLL CALL:	BOB OWENS	YES
	BILL FITZGERALD	YES
	FRED LUTZ	YES
	CHUCK KYLE	YES
	DAVE COSNEK	YES

Mr. Owens asked for a nomination of Recording Secretary for the Planning Commission for the year 2015.

A MOTION WAS MADE BY Mr. BOB OWENS, SECONDED BY Mr. FRED LUTZ, AND CARRIED, TO NOMINATE CHERYL CHERICO AS RECORDING SECRETARY FOR THE PLANNING COMMISSION FOR THE YEAR 2015.

ROLL CALL:	BOB OWENS	YES
	BILL FITZGERALD	YES
	FRED LUTZ	YES
	CHUCK KYLE	YES
	DAVE COSNEK	YES

Mr. Cosnek presided over the remainder of the meeting.

UNFINISHED BUSINESS:

Mr. Cosnek asked for a motion on the minutes from the November 18, 2015, meeting.

A motion was made by Mr. Chuck Kyle, seconded by Mr. Bill Fitzgerald, to approve the minutes from the November 18, 2014, meeting. Motion carried.

NEW BUSINESS:

1. **Application 2015-01 PRD – Bright Oaks Revised PRD Application for Tentative Approval (2nd Revision) – Phase 3** – Application for revised tentative approval of a Planned Residential Development (PRD) on 66.6401 acres of land to consist of 245 apartment units located in 6 buildings, a clubhouse, and 34.9877 acres of preserved open space along North Branch Road in a R-2 Suburban Residential/ PRD Overlay Zoning District.

NOTE: Bright Oaks was previously approved for a total of 5 buildings and a maximum of 200 units in 2011. They are seeking approval to build an additional 6th building that will consist of a maximum of 45 total units. This would bring the total number of units in the Bright Oaks community to 245 units.

Mr. Cosnek asked a representative to approach the Board.

No representative was present.

The Board reviewed the comments of Ms. Ludwig and Mr. Wingrove.

Ms. Ludwig made the following comments:

1. This is an application for a revised tentative approval of a Planned Residential Development (PRD) on 66.6401 acres of land to consist of 245 apartment units located in six (6) buildings, one (1) clubhouse, and 34.9877 acres of preserved open space along North Branch Road / Old Mill Road (the Bright Oaks apartment community) in an R-2 Suburban Residential/ PRD Overlay Zoning District.
2. Please note that Bright Oaks was previously approved for a total of five (5) buildings and 200 units in 2011. They are now seeking approval to build an additional and final 6th building that will consist of a maximum of 45 total units. This would bring the total number of units in the Bright Oaks community to 245 units.
3. The original PRD approval from December 11, 2007 limited the total number of units to be constructed at 270.
4. There are several outstanding issues in regards to Bright Oaks' Revised Tentative PRD Approval and the overall tentative approval of Phase 3, including but not limited to the following: a written request outlining any waivers and/or modifications they are requesting (as was submitted for previous approvals); the provision of a buildable area analysis, photometric plan, a statement of public interest, a more detailed Stormwater Management Plan, an infrastructure demand statement, and documentation from the Allegheny County Conservation District (ACCD) regarding review and approval of the revised E&S plans; and coordination with the Township on the Conservation Easement Area.

5. A copy of the application and plans was forwarded to the Planning Division of the Allegheny County Department of Economic Development (ACDED) for their review and comment. No comments have been received to date from ACDED.
6. Refer to any comments from the Township Engineer per LSSE's review letter dated January 6, 2015.
7. Refer to any comments from the Township Solicitor.
8. Please note: the applicant is responsible for all engineering, legal, and other related review fees associated with this application and if the escrow deposit is depleted, they will be billed for any remaining fees owed and asked to replenish the escrow account.

At this time, Ms. Ludwig said the application was incomplete. She recommended that the Planning Commission reject Bright Oaks' revised PRD application as administratively incomplete. The applicant has been advised that they may resubmit for February's meeting.

Ms. Ludwig said she had been working with AR Building and Kim Gales, their engineer. She said they decided not to attend this evening because the Board would have rejected the application as administratively incomplete since they are missing some pretty significant items that are outlined specifically in Lennon Smith's review letter. She had spoken with Ms. Gales earlier in the day and Ms. Gales had wanted her to note since there was some confusion among some, that they want to move forward with the tentative PRD approval for right now and then set the public hearing thereafter. She said the applicant would come back separately with Phase 3 for the actual building should the revised PRD receive approval. She said she originally thought they were trying to lump it all together, but they are not. They are moving forward with the revision for the PRD itself for next month and not the actual construction of the sixth building.

Mr. Cosnek said the Board should wait for additional information to be submitted and reviewed.

Ms. Ludwig said yes.

Mr. Wingrove made the following comments:

We have completed our review of the above referenced Tentative Planned Residential Development, dated December 16, 2014, prepared by J.R. Gales & Associates, Inc., as received by our office December 18, 2014. The application proposes revision to a previously approved planned residential development. The approved planned residential development proposed five residential buildings, a recreation building and pool. The current submission proposes construction of a sixth residential building and associated access road and parking area. The property is located along the northern side of North Branch Road, and is Zoned R-2 – Suburban Residential District, and is within the PRD – Planned Residential Development Overlay District.

The following listing presents items identified during our initial review that do not conform to the Township of North Fayette's Zoning Ordinance (Chapter 27), and Subdivision and Land Development Ordinance (Chapter 22):

Zoning

1. The Ordinance allows a 35-foot maximum building height. (Section 205.3.) **Status: The plan proposes a four story structure similar to those constructed in Phases 1 and 2. A modification was granted in the previous PRD approval to allow a structure height of 48'.**
2. The Ordinance allows a maximum 50% lot coverage. (Section 205.3.) **Status: A calculation of the proposed percentage of lot coverage has not been provided.**
3. The Ordinance requires bufferyard plantings be provided based on the use of adjacent properties. (Section 206.3) **Status: Bufferyard B is required along the property line west of the proposed building and has been labeled on the plan accordingly. A detail has been provided for Bufferyard C, however, not Bufferyard B.**
4. The Ordinance requires one deciduous tree be planted for each dwelling unit one tree for each 10 parking spaces. (Section 207.1.D. and 207.2.B) **Status: 55 trees are required, however, only 49 have been provided.**
5. The Ordinance requires at least 20% of the interior parking area be landscaped, including one tree for each 10 parking spaces. (Section 207.2.B.) **Status: A tabulation of interior parking landscape area has not been provided.**
6. The Ordinance requires no more than 10 parking spaces be provided in an unbroken row. (Section 207.2.B.(2).(c).) **Status: The plan proposes parking rows containing 11 spaces. A modification was granted in the previous PRD approval to allow an unbroken row of up to 13 spaces.**
7. The Ordinance requires all landscape islands be enclosed by appropriate curbing at least 6 inches wide and 6 inches in height above the paving surface. (Section 207.2.B.(2).(g).) **Status: The plan proposes bituminous wedge curb. The applicant has requested a modification of this requirement.**
8. The Ordinance requires 20% of the area occupied by parking spaces be shaded. (Section 207.2.B.(2).(h).) **Status: The applicant has requested a modification of this requirement.**
9. The Ordinance requires 2.5 spaces per dwelling unit for garden apartments. (Section 302.D. and 607.6.C.) **Status: A modification was granted in the previous PRD approval to allow provision of parking equal to 2 spaces per unit with the area for the additional 0.5 spaces to be graded and seeded, but not built unless needed at a later date. The Phase 3 plans propose provision of parking in the same manner.**
10. The Ordinance requires lighting used to illuminate parking area be designed to reflect the light away from adjoining residential uses. (Section 309) **Status: A photometric plan showing spot illumination values has not been provided.**

11. The Ordinance requires a Buildable Area Analysis Calculation be provided. (Section 504.) **Status: A Buildable Area Analysis has not been provided for the revised PRD.**
12. The Ordinance requires the ownership of the common open spaces be identified. (Sections 607.4.D., and 607.10.D.(4).) **Status: The owner of the open space and conservation easement should be identified on the plan. The Developer should contact the Township regarding the future ownership on the Conservation Easement Area.**
13. The Ordinance requires all the requirements for a preliminary and final plan per the Subdivision and Land Development Ordinance be provided. (Section 607.10.D.(1). and 608.2.A.(1).) **Status: The following comments are provided per a review of the plan for conformance with the Subdivision and Land Development Ordinance:**
 - A. The Ordinance requires a Completion Bond in the amount of 110% of the cost of the required improvements. (Section 208.) **Status: An itemized quantity takeoff and unit price cost estimate has not been provided for review. The cost estimate will aid in the determination of the required bond amount.**
 - B. The Ordinance requires a Development Agreement be executed with the Township. (Section 209.) **Status: The Developer should contact the Township Solicitor to initiate the preparation of the Development Agreement.**
 - C. The Ordinance requires the layout of lots showing scaled dimension, lot number and areas for each lot be provided. (Section 302.G.) **Status: The overall site plan shows only the PRD perimeter lot line. Provide a plan showing property lines and parcel information for each lot within the PRD.**
 - D. The Ordinance requires front, side and rear yard setbacks be shown. (Section 302.J.) **Status: The required setback lines have not been shown on the plan.**
 - E. The Ordinance requires existing and proposed easements be shown on the plan. (Section 302.M.) **Status: As easement has not been shown for the proposed sanitary sewer.**
 - F. The Ordinance requires areas subject to flooding as identified on the current Flood Insurance Rate Map be provided. (Section 302.T.) **Status: Floodplain areas are shown on the provided Slope Map, however, the basis of these boundaries has not been identified. Provide confirmation that the floodplain boundaries match those shown on the current FIRM, dated September 26, 2014. Additionally, these boundaries should be shown on the Phase 3 Grading Plan to determine any proposed impacts to the flood plain.**
 - G. The Ordinance requires a Phase One Environmental Site Assessment be provided. (Section 307.) **Status: Not provided.**

- H. The Ordinance requires an infrastructure demand statement be provided. (Section 314). **Status: Not provided.**
 - I. The Ordinance requires plans for construction of public improvement conform with the design standards of the Township's Construction Standard Details. (Section 314). **Status: Revise the plans to include details for sanitary sewer construction and dedication conforming to the Township Minimum Construction Standards and Details, dated February 2013, as adopted by the Township February 26, 2013.**
 - J. The Ordinance requires a Soil Erosion and Sedimentation Control Plan. (Section 318.) **Status: Documentation that the Allegheny County Conservation District (ACCD) has reviewed, approved, and included the revision to the existing NPDES Permit has not been provided.**
 - K. The Ordinance requires all grading, cut and fill conform to the requirements of the Township Grading and Excavation Ordinance (Chapter 9). (Section 503.1.) **Status: The following comments are provided following a review of the plan for conformance with the Township Grading and Excavation Ordinance (Chapter 9):**
 - i. The Ordinance requires a plan showing a base line with locations of cross-sections. Cross-sections of proposed grading must be provided at 50-foot intervals. (Section 103.2.D.(2).(g).) **Status: Not provided.**
 - L. The Ordinance requires drainage easement for the existing watercourse that traverses the property. (Section 508.) **Status: Not provided.**
 - M. The Ordinance requires permits be obtained from DEP for construction or changes in a watercourse as required by DEP and the Corps of Engineers. (Section 511.G.(2).) **Status: Provide documentation that necessary permits have been issued for the proposed twin 60" pipes.**
14. The Ordinance requires Stormwater Management be addressed. (Section 607.10.D.(6).) **Status: The following comments are provided following a review of the plan for conformance with the Township Stormwater Management Ordinance (Chapter 19):**
- A. The Ordinance requires a list of approvals/permits relative to stormwater management that will be required from other governmental agencies and anticipated dates of submission/receipt. (Section 402.B.(17)). **Status: The applicant should indicate status of required permits for installation of the twin 60" pipes, and provide documentation of permit issuance upon receipt.**
 - B. The Ordinance requires all calculations, assumptions and criteria used in the design of the storm sewer system including hydraulic and energy gradelines. (Section 402.C.(1)). **Status: Calculations have not been provided for the proposed site storm sewers.**

- C. The Ordinance requires all plans and profiles of proposed storm sewer and open channels. Swales and channels must provide 1 foot of freeboard above the energy gradeline. (Section 402.C.(2).) **Status: Calculations or details have not been provided for the proposed diversion channel.**
 - D. The Ordinance requires all information relative to the design and operation of emergency spillways. (Section 402.C.(9).) **Status: Provide calculations confirming the emergency spillway in existing Detention Pond 2 can adequately convey the unattenuated 100-yr flow with 1-foot of freeboard.**
 - E. The Ordinance requires shallow concentrated flow lengths not exceed 1,000 feet when calculating time of concentration. (Section 601.5.B.). **Status: The calculations use a length of 1,200 feet.**
 - F. The Ordinance requires discharge of stormwater runoff to be to a well-defined drainage course which has a bed and bank. (Section 601.11.F.). **Status: Endwall #2 does not appear to discharge to a well-defined drainage course.**
 - G. The Ordinance requires post-construction stormwater management be addressed. (Section 804.1.) **Status: Not provided. The report address the peak rate of runoff only. Provide documentation that the development complies with the DEP requirements for water quality and water quantity.**
15. The Ordinance requires the Applicant to provide a Statement of Public Interest. (Section 604.10.D.(13).) **Status: Not provided.**
16. The Ordinance requires copies of the proposed covenants for the development. (Section 604.10.D.(14).) **Status: Not provided.**

General Comment

- 1. Provide a sanitary sewer easement for future use to service the property located north of the Bright Oaks PRD.

The plans have been reviewed for conformance to the Township Ordinance standards only. The review is based on surveys and drawings prepared by others and assume this information is correct and valid as submitted. Independent confirmation of adequacy or applicability of surveys, design data or procedures has not been provided.

The plan, as submitted, does not conform to the Township of North Fayette’s Zoning Ordinance (Chapter 27), and Subdivision and Land Development Ordinance (Chapter 22). Additional comments may be made and we reserve the right to comment further pending submission of revised plans.

Mr. Wingrove said if any board members had specific questions from the review letter, he would be happy to answer them; otherwise, it may be better to wait until the applicant resubmits and that submittal is reviewed for any discussion.

Mr. Cosnek asked if anyone had any questions or comments. Hearing none, he asked the Board for a motion.

A MOTION WAS MADE BY Mr. BILL FITZGERALD, SECONDED BY Mr. BOB OWENS, AND CARRIED, TO REJECT THE APPLICATION FOR BRIGHT OAKS REVISED PRD AS ADMINISTRATIVELY INCOMPLETE.

ROLL CALL:	CHUCK KYLE	YES
	BOB OWENS	YES
	BILL FITZGERALD	YES
	FRED LUTZ	YES
	DAVE COSNEK	YES

2. Application 2015-02 – Sheriff Plan of Lots Lot Line Revision – Application for preliminary and final minor subdivision/lot line relocation between two lots on 1.5431 acres of land located at 3164 Santiago Road in an R-2 Suburban Residential Zoning District.

NOTE: This property is located in Findlay Township also in a Medium Density Residential (MDR) Zoning District.

Mr. Cosnek asked a representative to approach the Board.

Mr. Andeits approached the Board. He said they want to move a lot line 15’ to be able to meet the side yard requirements in order to build a home.

The Board reviewed the comments of Ms. Ludwig, Mr. Wingrove and the submitted comments of Kay Pierce of Allegheny County Economic Development.

Ms. Ludwig made the following comments:

1. This is an application for preliminary and final minor subdivision involving a lot line relocation between two lots on 1.5431 acres of land located at 3164 Santiago Road in an R-2 Suburban Residential Zoning District.
2. The subject property at 3164 Santiago Road (identified also as Allegheny County Lot and Block Numbers 917-H-201 and 917-H-210) is located primarily in Findlay Township but a portion of the property is located in North Fayette Township. The subject property is located in a Medium Density Residential Zoning District in Findlay Township.
3. There are a few minor edits and revisions that need to be made to the plan, as follows:
 - Building setback lines must be shown on the plan, including the required 15 foot side building setback and the required 35 foot rear building setback permitted in the R-2 Zoning District as outlined in the Zoning Ordinance;
 - The names of adjoining property owners must be provided on the plan;
 - A signature block and seal stamp area must also be added to the plan for North Fayette Township’s Engineer; and

- The proper North Fayette Zoning District for the property must also be provided on the plan.
4. Per the Allegheny County Subdivision and Land Development Ordinance (SALDO), all paper plans submitted for recording must have both the embossed and ink seal of the PA licensed surveyor who prepared the plans.
 5. In addition, the County's SALDO requires that all signatures be made in permanent navy blue ink or felt tipped pen.
 6. Refer to any comments from the Township Engineer per LSSE's letter dated January 6, 2015.
 7. Refer to any comments from the Township Solicitor.
 8. Refer to comments from the Planning Division of the Allegheny County Economic Development Department, per their letter dated January 2, 2015.
 9. Please note: the applicant is responsible for all engineering, legal, and other related review fees associated with this application and if the escrow deposit is depleted, they will be billed for any remaining fees owed and asked to replenish the escrow account.

At this time, Ms. Ludwig said the application looks to be complete, pending the minor revisions are made to the plan as stated previously and per LSSE's January 6, 2015 letter. As such, she recommended that the Planning Commission make a motion to recommend that the Board of Supervisors approve the Sheriff Plan of Lots Minor Subdivision Plan/ Lot Line Relocation, contingent upon all outstanding issues being addressed per LSSE's review letter and this review letter.

Ms. Ludwig said there are just a couple of outstanding items in regards to adding some of the setback lines onto the plan. She said she believed those had all been taken care of but would let Mr. Wingrove comment further. She said a printout from Allegheny County website had been placed on the table for the Board that showed where the property lines are located. She said she did want to note that the majority of the property is in Findlay Township and there is a little sliver in North Fayette Township at the back of the lots. She said the applicant had to go through Findlay and North Fayette to get the plan approved. She said she believed they had already gone through the process in Findlay.

Mr. Andeits said yes, Findlay Township had all been taken care of. He said the part of the property that is located in North Fayette Township is actually unbuildable and on the other side of the Montour Trail.

Ms. Ludwig said she believed the surveyor actually went to record the plan downtown at the county and was told they needed North Fayette approval which is why they are here tonight. She said she believed it was ready to move forward.

Mr. Wingrove made the following comments:

We have completed our review of the above referenced Subdivision Plan Application, dated December 4, 2014, prepared by All Point Land Surveying Company, Inc., as received by our office December 30, 2014. The plan proposes the relocation of the existing lot lines between two existing lots. The properties are located with frontage along Santiago Road, and are Zoned R-2 – Suburban Residential in North Fayette Township. The properties are located within both North Fayette Township and Findlay Township.

The scope of our review is limited to the portion of the development located within North Fayette Township.

The following listing presents items identified during our initial review that do not conform to the Township of North Fayette’s Zoning Ordinance (Chapter 27), and Subdivision and Land Development Ordinance (Chapter 22):

Zoning

1. The Ordinance requires a 15’ side building setback and a 35’ rear building setback. (Section 205.3.A.) **Status: Building setback lines have not been shown on the subdivision plan.**

Subdivision

1. The Ordinance requires the names of all adjoining property owners be shown on the subdivision plan. (Section 302.E.) **Status: Not provided.**
2. The Ordinance requires front, side and rear yard setback lines be shown on the Plan. (Section 302.J.) **Status: Rear and side yard building setback lines have not been shown on the subdivision plan**
3. The Ordinance requires the zoning classification of the area to be subdivided be identified on the subdivision plan. (Section 302.K. and 306.B.) **Status: The zoning district in North Fayette has not been identified on the plan.**
4. The Ordinance requires certificate and signature places for the Township Planning Commission or Community Development Director, Township Board of Supervisors, The Township engineer and The Allegheny County Department of Real Estate. (Section 315.M.(5). And 315.M.(6).) **Status: Provide certification block for North Fayette Township’s Engineer on the subdivision plan.**

The plans have been reviewed for conformance to the Township Ordinance standards only. The review is based on surveys and drawings prepared by others and assume this information is correct and valid as submitted. Independent confirmation of adequacy or applicability of surveys, design data or procedures has not been provided.

The plan, as submitted, will conform to the Township of North Fayette’s Zoning Ordinance (No. 360), and Subdivision and Land Development Ordinance (No. 226) with the resolution of the above noted items.

Mr. Wingrove said the applicant brought a revised plan this evening that has been cleaned up. He said he would review it tomorrow, but the items that were outstanding were pretty minor in nature, more plan presentation type items.

At this point, Mr. Wingrove said he would go along with Ms. Ludwig to recommend approval of the plan.

Ms. Pierce submitted the following comments:

We received the above referenced application 30 December 2014. It is the second submittal of the plan that was submitted to us initially by All-Points Surveying on 16 December 2014. We reviewed the plan for the items on the ACED/DRE checklist, and also advised All-Points Surveying that because there is a subdivision of part of the properties located in North Fayette, the Township must also review and approve the plan.

Our comments on the revised plan are proved in the attached checklist and this letter. Please note that while ACED has reviewed the plan for compliance with the items on the checklist to the extent possible, final responsibility for ensuring that the plan is prepared to the standards required and that all information the plan is current, correct and complete is the landowner's and the landowner's agent.

Checklist Item 1. One of the landowner's names has been shown everywhere it appears on the plan as "Sheriff David H". It must be shown as it given in the deed to the property, which is "David H. Sheriff".

Checklist Item 9. The deed conveying the title to part of tax parcel ID # 917-H-210 from David H. Sheriff to A-1 Real Estate Holdings LLC must be recorded as soon after the plan is recorded as possible. Until the deed is recorded the title will remain with David H. Sheriff. The deed must also be recorded this year, in order for the property to be re-assessed as shown on the plan of subdivision for the following year.

Other Comments

A certificate of review by North Fayette's municipal engineer must be added to the plan.

The certification provided for North Fayette's planning commission must be changed to "Reviewed by" instead of "Approved by".

One of the landowners, A-1 Real Estate Holdings LLC is a limited liability company. The individual forms of the landowner clauses have been used for them, which is not correct. The correct forms of the landowner clauses to use for an LLC are the *partnership* owner adoption clause and the *corporate* form of the notary acknowledge clause. The wording of the clauses can be adjusted as needed for an LLC, however.

We note that although LLCs are incorporated they do not have a board of directors or act by resolution, which is why the corporate form of the owner adoption clause can't be used.

The notary acknowledgement for the LOLC must clearly identify the agent or member who is authorized to sign for the LLC. If it is a person, the person's name and title must be provided within the clause.

Mr. Cosnek asked if anyone had any comments or questions.

Mr. Kyle asked if Findlay had approved the plan.

Ms. Ludwig said yes.

Mr. Fitzgerald asked who receives the taxes for these parcels.

Mr. Andeits said they are split between the municipalities.

Mr. Owens asked Mr. Andeits about the Montour Trail running through the properties.

Mr. Andeits said there is a creek at the back of the property and the Montour Trail runs parallel with the creek. He said he believed the creek was actually the municipal boundary line.

Mr. Cosnek asked if there were any further questions or comments. Hearing none, he asked the Board for a motion on the application.

A MOTION WAS MADE BY Mr. BOB OWENS, SECONDED BY Mr. BILL FITZGERALD, AND CARRIED, TO RECOMMEND APPROVAL TO THE BOARD OF SUPERVISORS FOR THE SHERIFF PLAN OF LOTS LOT LINE RELOCATION CONTINGENT ON ALL OUTSTANDING ITEMS IN THE TOWNSHIP'S, TOWNSHIP ENGINEER'S AND ALLEGHENY COUNTY'S REVIEW LETTERS BEING ADDRESSED.

ROLL CALL:	CHUCK KYLE	YES
	BOB OWENS	YES
	BILL FITZGERALD	YES
	FRED LUTZ	YES
	DAVE COSNEK	YES

3. Application 2015-03 – Wood Waste Recycling Building Addition – Application for preliminary and final non-residential land development involving the construction of a 5,000 square foot addition to Wood Waste Recycling Inc. located on 37.7580 acres of land at 111 Kelso Road in a B-2 General Business / PNRD Overlay Zoning District.

Mr. Cosnek asked a representative to approach the Board.

Mr. Salai, engineer for Wood Waste approached the Board. He said the applicant is proposing to build a 50' by 100' addition to the existing building along Route 22/30. He said right now the area is just a gravel parking lot. He said all they are going to do is dig footers, pour a monolithic slab and put a steel building up for the addition. He said the building would be for storage only with no restrooms. He said all of the stormwater from the site would be connected to the existing stormwater system which goes to a large pond at the south end of the property. He said

there were a few items outlined by Ms. Ludwig and the Township Engineer. He said they are requesting a waiver from the sidewalk requirement along Kelso Road. He said the property just barely touches Kelso Road so the sidewalk would essentially go nowhere so they are asking for a waiver for that. He said they are also asking for a waiver from the Infrastructure Demand Statement because right now there is nothing on the site that actually has infrastructure demand on the Township facilities. He said stormwater all goes to their own pond, sewage goes to a holding tank and is pumped and hauled away, and the road to the facility is all private so he didn't believe there was a need for a full Infrastructure Demand Statement. He said they are also asking for a waiver from the Phase One Environmental Assessment. To give a little bit of history, he pointed to a drawing and said the entire property was submitted to the Township seven years ago and went through a five month approval process between the Township, DEP, County Conservation and it was very well gone over by all parties involved. He said there were environmental assessments done, an industrial stormwater permit obtained in addition to a normal stormwater permit. He said this site is inspected regularly by DEP so he didn't feel there was a need to submit another Phase One Environmental Assessment at this point in time. He said one issue that seems to be a conflict between what the Township representatives feel and the developer is seven years ago when the site plan was submitted, the site plan was for the whole 33 acres. The owner was originally proposing retail and all of the product processing. He said everything shown on the drawing is what was proposed. He said the owner has approximately 2000 lineal feet of frontage along 22/30 and the whole area has been graded for use. Ms. Ludwig and the Township Engineer seem to believe there is a section in the ordinance that requires a 100' buffer along Route 22/30, so the existing building is encroaching on that buffer and the proposed addition would be encroaching on it. He said this issue was discussed seven years ago and at that time, it was deemed that the 100 foot buffer was not an issue.

Mr. Owens asked if that was in previous minutes somewhere.

Mr. Salai said no, it was just his hearsay. He said the previous plan was approved with a 20' right-of-way setback according to the ordinance with a 10' C buffer. He said that is what they are proposing this time. Essentially if the 100' buffer is correct, he said the existing building would be in the buffer and the proposed addition would be in the buffer, but also almost 5-acres of ground that has been disturbed is in that buffer too and that was all approved by the Township seven years ago. He said that is why he is questioning if that 100' buffer is correct. He said the ordinance says Route 22/30, but in front of this site it is just Route 22. He said he didn't know if this was just semantics or what the intent was when the ordinance was written. He said they were just going by what was approved seven years ago.

Mr. Fitzgerald said rules do change over time the ordinances are updated.

Mr. Salai said the ordinance still reads the same.

Mr. McDermott said that section of the ordinance pre-existed this. He said they were looking at the issue but as it is being assessed right now, the 2007 approval of the site plan showed a pre-existing building and by accounts that he understands went back to at least the 1990s and maybe long before that. He said when the site plan that was approved in 2007, there was a non-conforming building that was already there since way back when and they weren't doing anything with the building so they didn't do anything developmentally in 2007 that really impacted the 100' zone as far as the Township understands it.

Mr. Salai said at the time, they required them to show the 20' setback. If they had wanted them to show the 100' buffer at that time, he said they would have shown it. He said they also showed a set of scales out in front of that building between the building and Route 22 that they were proposing. He said they didn't put those scales in but they were approved within the buffer.

Mr. McDermott asked if that was actual buildings.

Mr. Salai said it was a concrete scale, a drive up scale. He said it wasn't a building, but it was a structure.

Mr. DeLuca said he is the attorney for Wood Waste and wanted to point out that he spoke to the Township solicitor earlier in the day. He said in looking at the ordinance and the buffer restriction, it talks about Route 22/30. He said the Route in front of his client's property is not 22/30, it's 22 and Route 30 ends before there. He said that language that deals with Route 22/30 isn't applicable to this particular site because the only state road that runs along the property is 22. He said Route 30 spins off much before this property.

Mr. Owens said the Board understands that and wasn't sure how far he intended to go with this. He said that was kind of splitting hairs.

Mr. DeLuca said he was just looking at the ordinance and that was all and that was what the ordinance said.

Ms. Ludwig said Route 22/30 are combined at one point and then splits off so she believed it meant both of them.

Mr. McDermott said it was intended as a rule for the buffer along the interstate and Route 22 is more the interstate.

Mr. DeLuca said he is just looking at the language and Route 30 spins off before the property.

Mr. Fitzgerald said the Board understands all of that. He said you can write a letter to One Gateway Center and it will get there, but it's not an address.

Mr. DeLuca said he agreed 100 percent.

Mr. Fitzgerald said it is the same thing; that is the way it has been out here for years as Route 22/30.

Mr. DeLuca said he just wanted to point that out to the Board.

Mr. Owens said Mr. Salai pointed that out earlier.

Mr. DeLuca said he wanted to emphasize that point because it is important because that is the language in the ordinance.

Mr. Salai asked if there were any other outstanding issues.

The Board reviewed the comments of Ms. Ludwig and Mr. Wingrove.

Ms. Ludwig made the following comments:

1. This is an application for preliminary and final minor non-residential land development involving the construction of a 5,000 square foot addition to Wood Waste Recycling Inc. located on 37.7580 acres of land at 111 Kelso Road in a B-2 General Commercial/ PNRD Overlay Zoning District.
2. The application proposes the construction of an approximate 5,000 square foot building addition to Wood Waste Recycling Inc.'s existing building on Kelso Road. (Note: Wood Waste has been in operation in North Fayette Township since 2007, pursuant to the Application for Land Development Approval, granted on November 13, 2007, to operate a wholesale landscaping service center on the approximately 33.80 acre property.)
3. Section 27-206.3.E. of the Township's Zoning Ordinance, Township Code of Ordinances, Chapter 27, requires that any lot having frontage on Routes 22/30 shall maintain a 100-foot bufferyard from the right-of-way of said roads and any appurtenances, such as interchanges and ramps. The proposed addition encroaches upon the foregoing required Routes 22/30 100-foot bufferyard. The applicant has asserted that it must comply only with the general requirements of Bufferyard C. However, the Township Solicitor and I have reviewed the Ordinance provisions, and we agree that the more specific enhanced frontage requirement for lots fronting Routes 22/30 is clearly intended to be read separately from the general Bufferyard C requirements set forth in the Table also found in Section 206.3 (particularly where both requirements are set forth in the same sub-section, Section 206.3). Thus, we are restrained to conclude that the applicant must obtain a variance from the ZHB in order for the proposed addition to encroach upon the 100-foot Routes 22/30 bufferyard requirement.
4. Building setback lines must be shown on the plan, including the required 30 foot front building setback along State Route 22, as permitted in the B-2 Zoning District and as outlined in the Zoning Ordinance.
5. Per a letter from Mr. Eric Vaccarello, President of Wood Waste Recycling, dated January 12, 2015, a request has been made to waive the following requirements of the Township's Subdivision and Land Development Ordinance (SALDO), Chapter 22 of the Township's Code of Ordinances, Ordinance No. 418:
 - Section 22-307, which requires that a Phase One Environmental Site Assessment be completed;
 - Section 22-314, which requires that an Infrastructure Demand Statement be submitted; and
 - Section 22-404.2.A., which requires that sidewalks be constructed along all street frontages of the lot which the minor land development is proposed. (Please note that a fee-in-lieu should be paid for the estimated cost to construct the sidewalk along the frontage of the site along Kelso Road.)

6. Per Section 22-209 of the SALDO, the applicant is required to enter into a Developer's Agreement with the Township for any improvements associated with the development. In addition, Section 22-208 requires the applicant to post a completion bond for these improvements. The agreement and posting of security for improvements can be coordinated with Township staff and the Township Solicitor and can be part of a contingent approval.
7. Per the Allegheny County Subdivision and Land Development Ordinance (SALDO), all paper plans submitted for recording must have both the embossed and ink seal of the PA licensed surveyor who prepared the plans.
8. In addition, the County's SALDO requires that all signatures be made in permanent navy blue ink or felt tipped pen.
9. Refer to any comments from the Township Engineer per LSSE's review letters dated January 7, 2015 and January 16, 2015.
10. Refer to any comments from the Township Solicitor.
11. Please note: the applicant is responsible for all engineering, legal, and other related review fees associated with this application and if the escrow deposit is depleted, they will be billed for any remaining fees owed and asked to replenish the escrow account.

At this time, Ms. Ludwig said the application appears to be complete, with resolution of the above mentioned bufferyard issue along Routes 22/30 and the sidewalk waiver fee-in-lieu payment issues. She recommended that they discuss these items during the meeting so that all parties involved can come to agreement on the next steps required as part of the overall approval process for this project.

Ms. Ludwig said she wanted to bring to the Planning Commission's attention ongoing issues and potential enforcement activities by DEP and possibly the Township regarding noxious smells and possible combustion emanating from outdoor storage or production activities at the property. While the owner is apparently engaged in diligent efforts to abate the current conditions, the Township is examining the source of the underlying problem and whether any long-term modifications to their operations need to be incorporated into any present or future land use decisions. Should more immediate steps become necessary, we do wish to bring to the Planning Commission's and Board of Supervisors' attention the following provision from the MPC, regarding Preventive Remedies:

Section 515.1. Preventive Remedies: ... b) A municipality may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of any ordinance adopted pursuant to this article.

Ms. Ludwig said based on the outcome of our discussion regarding the above approval matters, the Planning Commission may move to make a motion to table the application or to make a recommendation to the Board of Supervisors to approve it with certain contingencies and conditions. If the Planning Commission makes a recommendation to approve Wood Waste

Recycling's non-residential land development application, it should also recommend that the Board of Supervisors take action on the three waiver requests as outlined on the second page of this letter.

Mr. Wingrove made the following comments:

We have completed our review of the above referenced Subdivision Plan Application, dated December 2014, last revised January 2015 prepared by Wind Ridge Engineering Co., as received by our office January 13, 2014. The Land Development application proposes a 50' x 100' building addition to an existing building. The property is located with frontage along S.R. 0022, and is Zoned B-2 – General Business District

Previous comments may be found in our letter dated January 7, 2015. The items in *italics* are previous comments, which have not been resolved as of the date of this letter.

The following listing presents unresolved/non-compliant items identified during our review that do not conform to the Township of North Fayette's Zoning Ordinance (Chapter 27), and Subdivision and Land Development Ordinance (Chapter 22):

Zoning

1. The Ordinance requires a 30' front building setback, 20' side building setback where not adjoining residential districts and a 30' rear building setback where not adjoining residential districts. (Section 205.3.A.) **Previous Comment:** *The front yard building setback has not been shown on the Plan.* **Status: A 30' front building setback must also be shown along S.R. 0022.**
2. The Ordinance requires a 100-foot bufferyard from the right-of-way of Route 22/30. (Section 206.3.E.) **Previous Comment:** *The location of this bufferyard has not been identified on the Plan. This item to be coordinated with the Township Zoning Officer and Solicitor.* **Status: The proposed building addition encroaches on the 100' bufferyard. This item to be coordinated with the Township Zoning Officer and Solicitor.**

Land Development

1. The Ordinance requires the posting of a Completion Security. (Section 208.) **Previous Comment:** *An itemized quantity takeoff and unit price cost estimate has not been provided for review. The cost estimate will aid in the determination of the required bond amount.* **Status: Pending.**
2. The Ordinance requires a Development Agreement. (Section 209.) **Previous Comment:** *The Developer should contact the Township Solicitor to initiate the preparation of the Development Agreement.* **Status: Pending.**
3. The Ordinance requires front, side and rear yard setback lines be shown on the Plan. (Section 302.J.) **Previous Comment:** *The front yard building setback has not been*

shown on the Plan. **Status: A 30' front building setback must also be shown along S.R. 0022.**

4. The Ordinance requires a Phase One Environmental Site Assessment. (Section 307.) **Previous Comment:** *Not provided.* **Status: The Developer's consultant has submitted a written waiver request.**
5. The Ordinance requires an infrastructure demand statement be provided. (Section 314.) **Previous Comment:** *Not provided.* **Status: The Developer's consultant has submitted a written waiver request.**
6. The Ordinance requires sidewalks be provided along all street frontages for minor land developments. (Section 404.2.A.) **Previous Comment:** *Status: Not provided. The applicant may request a waiver of this requirement. This item to be coordinated with the Township Zoning Officer and Solicitor.* **Status: The Developer's consultant has submitted a written waiver request.**

The Plans have been reviewed for conformance to the Township Ordinance standards only. The review is based on surveys and drawings prepared by others and assume this information is correct and valid as submitted. Independent confirmation of adequacy or applicability of surveys, design data or procedures has not been provided.

The plan, as submitted, will conform to the Township of North Fayette's Zoning Ordinance (Chapter 27), and Subdivision and Land Development Ordinance (Chapter 22) with resolution of the above noted items. Additional comments may be made and we reserve the right to comment further pending submission of revised plans.

Ms. Ludwig said they went over the waivers. In regards to the sidewalk, the way the Subdivision Land Development Ordinance is written now, if the applicant would be granted that waiver, that would mean they need to pay a fee in lieu of constructing the sidewalk. She said they would need to submit a cost estimate of what it would cost to install a sidewalk along that section of Kelso Road. She said that fee would go into a fund. As for the Phase One Environmental Assessment, she asked if it was done and submitted in 2007 and if they had a copy of it.

Mr. Salai said he believed it was, but could not find a copy.

Mr. McDermott said he didn't recall specifically whether one was done or not. He said he didn't believe it would have been done for the Township, but for the state. If the justification for not doing one now is that there was one done before, it would helpful if they could provide a copy of the one that was done before.

Mr. DeLuca said he believed one was done.

Mr. McDermott said if it could be submitted between now and the Supervisor's level, it could give the Board a comfort level in waiving it now.

Ms. Ludwig said she could also look in her files. She said she does have a stack of files from the 2007 approvals but did not see it in there. She said it could be in storage with other files from that time.

Mr. Salai said Ms. Ludwig had said she couldn't find the Geotechnical report either.

Ms. Ludwig said the Township's position in addition to any normal bufferyard requirements based on what sort of types of properties are abutting the use and if it is a residential or commercial and whether they need buffer C or D, they would need C, in addition to that they basically front on Route 22 and they front on Kelso. Because of the frontage on Route 22 as the ordinance is written, Ms. Ludwig said she looks at that as an addition to the other bufferyard requirement. She said it is to try to keep proposed uses from encroaching upon Route 22/30.

Mr. DeLuca said this property sets high so it's not like it is encroaching on the highway. He said it is a very large hill.

Mr. Fitzgerald asked when they wanted to build this building.

Mr. Zacher said they wanted to get started immediately. He said they already have their building design done and would like to get started as soon as they get the permitting process done. He said if they can get the building permit granted, they would like to get started within the next month and this time of year, it is going to be about a three month project. He said the business is growing. When they started in 2007, he said there were probably 15 people that worked at the facility and they now employ between 50 and 70 people at that facility full time. He said they need to have a larger facility for the maintenance because they are now running how many pieces of equipment.

Mr. Kozares said about 100.

Mr. Zacher said there are roughly 100 pieces of equipment that they are doing maintenance on a daily basis. He said with the facility that they have now, they just don't have the shop space anymore to be able to keep up with the maintenance. He said all they are asking for is to be able to add onto their existing structure so they can put in another shop area where they can continue to do their maintenance work. He said they have no other place on the property where they can build which is why they are going to have to ask for a variance and stuff to add onto there.

Mr. McDermott said as he explained to the gentleman this afternoon, as this Board always does, if they can find an interpretation to the ordinance that allows that without the necessity of a variance, they are always happy to do that. He said if they can find an interpretation whether it is derived from the ordinance or from the history of approvals, he certainly wanted to take a look at that history. He said right now, they are faced with an ordinance that says on the same table that sets forth the generic buffer, there is a provision that says when you are by Route 22/30 the buffer needs to be 100'. He said when he looks at the aerial photography of the property, he can see the history being that the building footprint pre-existed and was there and wasn't impacted by any prior approvals. Whether there were any buffers of non-building structures, he said that may not have come up as an issue directly in 2007, and he could see how it may not have, but he was willing to look at it as well. He said the non-conforming structure certainly pre-exists. In

looking at the text, it is saying they are going to need a variance in order to do a new invasion onto Route 22.

Mr. Fitzgerald said yes, off of that building and encroaching more onto the right-of-way.

Mr. McDermott said it is increasing the non-conformity. He said they could expand horizontally without needing a variance. He said they are wanting to encroach more onto the setback area. If they wanted to go laterally along the building line that they have already invaded, they could do that without have to go for a variance. He said they need a variance to increase the invasion into the space.

Mr. Fitzgerald asked with all of this property, why do they need to go in that direction with the addition.

Mr. Zacher said in the front of the building there is just a very small area and then it drops straight off of a hill and goes down into the storage facility. In the direction of Kelso Road, it drops over the hill about 20' down.

Mr. McDermott asked about the other side of the building.

Mr. Zacher said it is the same thing, there is an access road and then it drops off on the other side of the hill. He said it is basically unbuildable property except for the area of the parking lot for an existing tenant on the space and the location where they want to put the addition.

Mr. McDermott said that may be a way to justify the variance.

Mr. Zacher said also the way the shop is layed out, it would be astronomical to try to change everything inside the shop to be able to make it feasible to go in any other direction and be able to facilitate the maintenance facility there.

Mr. Cosnek said so on either side of the building, it drops off.

Mr. Zacher said yes. He showed the Board a drawing that illustrated where the access road is located and a drop off beside the access road. He said they are trying to set it up so a tractor trailer can come in the access road and drive straight through the facility along the back side of the building, come around the building and go the other direction to go back out the access road.

Mr. Owens asked how far the addition would be encroaching.

Mr. Cosnek said it would be the entire depth of the building.

Mr. Kyle said exactly, because the existing building is already encroaching.

Mr. McDermott said whatever it is now, they would be encroaching 50' more because the building is 50' by 100'.

Mr. Salai said it would be roughly 65'.

Mr. Owens asked if they would be encroaching 65' more toward the road.

Mr. Salai said that would include what is encroaching with the existing building.

Mr. Cosnek asked if it would be going up to the 20' setback.

Mr. Salai said no, it would be 31.7' from the right of way to the corner of the post area. He said there would be a little less than 12' between the 20' setback.

Mr. Cosnek asked if it would be attached directly to the existing building.

Mr. Salai said yes.

Mr. Owens asked if it would fall under a grandfather clause or anything.

Mr. McDermott said partially with the existing building.

Mr. DeLuca said it is an extension of a non-conforming use.

Mr. Fitzgerald asked what happens when they tie into an existing building, wouldn't they be required to bring that existing building up to code in terms of ADA, fire safety, etc. He asked if that could conceivably come into play.

Mr. McDermott said those are all non-zoning issues. With the expansion of a non-conforming structure, he said a lot of that is case law. He said that is kind of his point, where there is a building that is invading into a setback that it's not suppose to be, such as this. If someone has that situation and then wants to expand, they can go along this line, horizontally and expand on the sides so it wouldn't be going deeper into the setback.

Mr. Kyle asked if that was Mr. McDermott's recommendation.

Mr. McDermott said he would be happy to receive and look at the new information about possible implications of some of the setbacks and other stuff that the applicant said happened in 2007 during the approval process in terms of possible discussions that may have taken place.

Mr. Salai said that plan was approved with a 20' setback. He said they had gone round and round about it.

Mr. Kyle said that was an existing structure.

Mr. McDermott said he didn't think they needed to go round and round about setbacks because he didn't believe that was relevant at this point, but would be happy to be proven otherwise if there was any documentation.

Mr. Owens asked where they are going to get to this evening with this. What is it going to take to come to a conclusion?

Mr. McDermott said they could pick off the other issues and make a recommendation for approval that would be subject to the applicant obtaining a variance or otherwise addressing the setback issue, or the Board could table it.

Mr. Fitzgerald asked if the Board had enough information to do that.

Mr. Cosnek said he didn't believe they did.

Mr. Fitzgerald asked what the comfort level of the Township was on this.

Mr. McDermott said it really isn't a comfort level matter for the Township, it is a matter of an interpretation of the ordinance that the Township feels constrained to make.

Mr. Kyle asked if it was his opinion that the variance would be granted.

Mr. McDermott said he didn't have an opinion on it. He said all the township has given an opinion on is that the recipe book says X and this is Y and they need a variance to do it that way.

Ms. Ludwig said given their constraints with the property that the gentleman mentioned earlier, those are good ways to prove that hardships exist to get the variance granted. Any other applicant that would have a similar sort of issue would be recommended to go before the Zoning Hearing Board to go through the process to get a variance.

Mr. Cosnek asked if the applicant acquired additional ground along the highway.

Ms. Ludwig said yes, prior to the Board of Supervisors' approving it, absolutely. She said if the Planning Commission wanted to, they could approve it contingent upon the variance being granted.

Mr. Kyle said he was inclined to go that direction.

Mr. DeLuca asked if that would limit the issue to approve it contingent on getting the variance?

Mr. Kyle said he would be reluctant to recommend approval without the variance.

Mr. McDermott said by contingent that doesn't mean approving in the traditional sense with the variance coming afterwards. He said they can't actually have the approval come before the variance, but the Board could recommend that in the event the variance is granted, the Planning Commission would recommend approval.

Mr. Kyle asked if that would be a formal approval of this application.

Mr. McDermott said it could be. This could be tabled while the applicant goes to the Zoning Hearing Board and the application could sit between the Planning Commission and the Board of Supervisors' level. He said that was if they choose to go to the Zoning Hearing Board.

Mr. Cosnek asked if they got a variance to extend into that area, does that then give them the opportunity to continue developing down Route 22 with that shorter setback.

Mr. McDermott said potentially unless the Zoning Hearing Board would put conditions on the extent of the lateral expansion in consideration of the variance that would be granted.

Mr. Owens asked if there were any real negatives to this happening.

Mr. McDermott said there may or may not be.

Mr. Owens said he wasn't hearing anybody say that or seeing anything that was telling him that. He said he didn't see anything being approved tonight; but at the same time, he didn't really object to anything.

Mr. McDermott said in that case, it could be appropriate as suggested if the Board was so inclined, to entertain a motion to recommend approval of this plan if they are successful in obtaining a variance. He said the Board would have to deal with the waiver requests as they usually do one by one.

Mr. Kyle said that would be along with the other items such as the Environmental Assessment that they believe has already been done but the Township doesn't have record of. He said there are a number of open issues here.

Mr. McDermott said the staff recommendation on the environmental waiver is that it could be waved if the applicant could provide proof of the prior environmental study that was done.

Mr. Fitzgerald said personally, he knows the property, knows where the building is located and really doesn't think the buffer is that big of a deal, but there are a lot of holes here from the review comments that don't make a lot of sense to him for moving forward. He said he didn't know what the comfort level was at this point. The sidewalk issue isn't a big deal. He said just because they are saying something was done in 2007, it should at least be varified to ensure the Township has a level of comfort with where this is going. Couldn't this be tabled while they are applying to the Zoning Hearing Board and let the Township dig into it and fill some of these other holes.

Mr. Kyle said at this point, he would prefer to table it. He said there is the issues with the environmental site assessment. He said the Board could make a recommendation on it but he wasn't even sure what they would be recommending because it didn't sound like anyone was sure if they even have it. He said they think they have it, but what if they don't; and if they do, would it be acceptable based on the number of years, or would they still need to do one. He said he agreed with Mr. Fitzgerald that the sidewalk was a non issue. He said they hadn't really touched on the infrastructure demand statement. He asked if the Township had any issue with the request on that.

Ms. Ludwig said there are no public utilities there. She said her main concern is the buffer. She said her position all along in the way she read the ordinance was that they need to go for the variance because it would be further encroaching.

Mr. DeLuca asked if it could be approved subject to the variance.

Mr. McDermott said no, because they don't have the legal authority to approve something that is not in accordance with the rule book, the zoning book. He said they do have the option of tabling it if that would be their comfort level. He said they would also have the option of recommending approval in the event that the variance would be approved. He said the Planning Commission can chime in on whether the members would be favorably disposed to or not favorably disposed to the variance.

Ms. Ludwig said getting back to the Phase One Environmental, she would like for the applicant to provide documentation that something was submitted in 2007, so it could be placed in the file. She said they had tried to go back to old aerial photographs to see when the building was built.

Mr. McDermott said his understanding of the Phase One Environmental is that they are basically historical in nature and would show evidence if environmental hazards had pre-dated the current development. He said if they actually had something from 2007, at least from his standpoint and the engineer can correct him if he kind of stated that generally, he would have a comfort level in accepting the document from 2007 in lieu of having to do a Phase One Environmental which in all likelihood would be a lesser study than what would have been done in 2007 if they had done one.

Mr. Zacher said in addition, this site is a DEP monitored site. He said the Department of Environmental Protection monitors the site monthly. He said from the time they have been in business, he said DEP inspectors are on site every month and they know of any issues that come up. He said it is not like they are on a piece of property in the middle of the country that nobody has ever seen, nobody has ever walked on and nobody knows if there is a hole dug and something dumped in it. He said DEP monitors are there on the site every month.

Mr. McDermott said that is why if someone has something in their file, that would be an easy way to give everybody a comfort level.

Mr. Kyle said there is currently a DEP issue there now, is there not?

Ms. Ludwig said yes with the mulch piles. She said she believed they were not in compliance with DEP's regulations in terms of the height of the piles and that is what is causing the steam or combustion smoke or whatever is coming off of the piles right now and causing the odor. She said the Township has received numerous complaints about the odor and is trying to work with Wood Waste. She said they need to just move around the mulch until it stops, but that can take some time. She said that is not her area of expertise at all, but the Township continues to receive complaints on a daily basis, probably five per day between emails and phone calls of the odor that emanates from there.

Mr. Kozares said they are working with DEP on that, lowering the piles, moving the piles, doing whatever they can to address that.

Mr. Zacher said DEP was on site today. He said they reassessed the whole problem that they have had out there. He said they had a small fire on the pile that actually started down deep in the pile. He said until the fire is exposed, there is no flame. He said there is a lot of steam that comes out of the pile and with that steam comes odor. He said they have taken the top of the pile off, and relocated it. He said they have put tens of thousands of dollars into hauling water to the

site because of all of the cold weather there has been since last week. He said they were just unable to provide enough water to it to get any of the smaller fires put out at that time. He said they have had to truck water in for the last two weeks to put it out. He said they have had equipment running for 10 to 12 hours a day moving the piles down. He said all of the piles are now down below 20' and down to 15' in elevation up to where the problem area was at. He said they had to re-grind some of the stuff and had to add water while re-grinding it to cool it all down so we wouldn't have another spontaneous combustion. He said those piles are higher, but have been treated so we could actually get the area to move and have the room to actually move it.

Mr. Owens asked if there was some kind of compliance that has to be met for the height of a pile.

Mr. Zacher said yes, it is with DEP and the maximum height of the pile is 25'. He said they have been working with them to stay in compliance with all of that. He said by the end of the week, they should have any fire that they have completely out. He said they are still going to have steam because of the weather conditions.

Mr. Owens said the complaints that are coming from this, is that from a 25' pile?

Mr. Zacher said at the time that it was there, it was probably around 30' when they first started on it. He said it was higher than 25' and he was just trying to be honest. He said they think they have addressed that issue and have cut it all down, moved piles around and again, DEP was back out today and was extremely happy with the work that has been done to remediate the situation. He said it wasn't like they had a problem and just turned their backs on it.

Ms. Ludwig said the odor comes from the combustion, not the steam.

Mr. Zacher said yes, the combustion.

Ms. Ludwig said so once they get the fire out, the odor should stop even if there is still steam present, it should not be odorous.

Mr. Owens said it was like fermenting.

Mr. Zacher said yes, that was correct.

Mr. Zacher said they have never had a chip pile fire before. He said it was just the perfect storm this year the way the weather was and then that cold weather froze the top of the pile and that held all of the heat in. He said once that held all of the heat in, it allowed it to combust and once it got a little bit of air, then it set it off. He said that was how they got the combustion to start with. Believe me, he said they don't want a fire either. He said they are burning product, spending money on water, spending money on equipment, moving the piles, trucking water in. He said they don't want the fire either. He said it was in their best interest to make sure they get it extinguished as quickly as possible. He said in answer to Ms. Ludwig's question, yes, once the fire is out there shouldn't be any complaints about the steam coming off of it.

Mr. Kyle asked if the Board tables this and sends them to zoning, would they lose any time by having to come back to the Planning Commission or would they be on the same time table.

Mr. McDermott said it would take time to go to zoning and come back.

Mr. Kyle said they wouldn't be able to meet that within the next 30 days.

Mr. McDermott said they wouldn't be able to have a hearing for at least three weeks because it has to be advertised for two consecutive weeks and then the hearing would be the following week.

Ms. Ludwig said the way the meetings fall they wouldn't get on the agenda until February and then come back to Planning Commission in March.

Mr. Zacher said that would be a hardship on them. He said if that is what they have to do, then that is what they have to do. He said they would be coming into their busy time in the spring of the year. He said that is why they are trying to get this building under way as quickly as possible in the winter. He said they are trying to expedite this as quickly as they can to get a small addition put on to help a growing business.

Mr. Cosnek said they have two issues, one would be the waivers and the other would be to recommend to the supervisors to approve it based on the applicant either acquiring the variance or the Township finding something from the previous approval.

Mr. Kyle said so in essence, it would be approving subject to receipt of the variance.

Mr. Cosnek said it would be either/or.

Mr. McDermott said it could be subject to the applicant obtaining a variance or otherwise complying to the ordinance. He said that would leave the door open to provide information to the Township that would allow the Township to reach a revised determination of the original assessment.

Mr. Cosnek said Ms. Cherico just told him the Zoning Hearing Board wouldn't be meeting until the fourth Thursday of February and the Planning Commission would meet the week before that.

Mr. Fitzgerald said the Planning Commission could conceivably table this and they still aren't going to get this done until after the Zoning Hearing Board. He said tabling it to next month wouldn't delay anything. He said even if they approved everything tonight, they still wouldn't go to the Zoning Hearing Board before the Planning Commission would meet again.

Ms. Ludwig said correct, the Planning Commission would meet in February before the Zoning Hearing Board meets.

Mr. Fitzgerald said then why don't they just table it because it wouldn't be stopping anything because it is going to be contingent upon it getting a variance.

Mr. Cosnek said that way everything else would get resolved.

Mr. Fitzgerald said the Planning Commission meets the third Tuesday of every month and the Zoning Hearing Board meets the fourth Thursday so the applicant wouldn't lose anything if the Board didn't make a decision and had more time for a sense of comfort. He said he wasn't trying to hold anybody up, but . . .

Mr. Kyle said he didn't think it would affect them either, actually, the more he thought about it.

Ms. Ludwig said it would affect them for two weeks because if the Planning Commission approved it contingent now, it could go before the Board of Supervisors at their first meeting instead of their second meeting.

Mr. McDermott said the Supervisors meet the second week and the Planning Commission meets the third week.

Ms. Cherico asked if they were talking about the March.

Ms. Ludwig said if they got the variance and the variance was granted and they had already been through Planning Commission, they could be on that first Board of Supervisors' agenda meeting in March. She said if they had to come back to Planning Commission, it would be the fourth Tuesday in March before they could go before the Board of Supervisors instead of the second Tuesday.

Mr. Cosnek said they would be meeting again in February.

Ms. Ludwig said that is what it would cost them, two weeks.

Mr. Owens asked what the two issues were again, the distance and the odor.

Mr. McDermott said that is an enforcement issue.

Mr. Cosnek said that is a different issue.

Mr. McDermott said the Board of Supervisors can determine whether it wishes to make that an approval issue. He said they are not taking Township action at this time on the ongoing DEP action and the actions that the owners have made. He said the Board of Supervisors has the power under the Municipalities Planning Code to hold this approval when and if those two events would intersect.

Mr. Owens said his point is there are no other main issues here such as traffic patterns, lighting issues, nothing. He said it is a matter that is pretty cut and dry unless someone can tell him otherwise. He said he didn't see a problem with basically approving it contingent upon . . .

Mr. McDermott said it is up to the five gentlemen's majority recommendation as to which way the Board wants to go. He said they could table it or recommend that it be approved subject to them getting a variance or otherwise being in compliance with the ordinance to the satisfaction of the Board of Supervisors.

Mr. Owens said sitting here right now, nobody has told him anything to give him a negative on this. He said maybe somebody else has another opinion outside of this board and that would come up at another meeting.

Mr. DeLuca asked if it could be approved conditioned upon them getting the variance. He said obviously if they have to go to the Zoning Hearing Board for approval and they could get a good recommendation from this Board, they wouldn't have to come back.

Mr. Cosnek said that is what they are talking about.

Mr. McDermott said that is what he was explaining to the Board, that they have two options. He said if the Board is comfortable and wishes to do so, they could entertain a motion subject to them obtaining a variance to recommend approval. He said if they are more comfortable with tabling it, they could do that.

Mr. Fitzgerald said they are going to have to go to the Zoning Hearing Board regardless.

Mr. Owens said exactly.

Mr. DeLuca said he would like to limit the variance issue and asked if they could get a recommendation conditioned upon the variance.

Mr. Fitzgerald said the whole DEP, the environmental document that nobody has a copy of – wouldn't that be nice to throw in the file.

Mr. McDermott said yes.

Mr. Fitzgerald said that makes a little bit of sense for somebody grinding up wood that could have runoff or if there is a mine up there that is dripping something out of the hillside that was there prior to them. He said he believed there was a church there at one point in time before this moved in.

Mr. DeLuca said a church was in that building.

Mr. Zacher said that building was converted into their shop that is there now.

Mr. McDermott said by way of example, if the Board wished on that issue of the modification request, they could entertain a motion to recommend that the Board of Supervisors approve that modification provided they provide a copy of the 2007 environmental study.

Mr. Fitzgerald said the applicant's point is to just do it contingent upon the variance and then everything else goes away. He asked Ms. Ludwig if the township had that level of comfort with this whole thing. He asked her to tell the Board.

Ms. Ludwig said the variance was her main concern. She said she would like to have something in the file that notes that previous study. She said if they are saying that it was done back in 2007, but she didn't see anything in her files, Brian Temple's old files. She said that is not to say

it wasn't done or that it isn't somewhere else. She said if they could look for it and supply a copy of it, that would make the Township feel better moving forward with that.

Mr. Fitzgerald said if this were a Christmas tree farm, it would be a whole different story, but it's not. He said they are grinding and there is an environmental report that doesn't exist or that nobody knows if it exists and maybe it does. Like the applicant said, the DEP is there and they probably don't like seeing them driving up the road.

Mr. Zacher said they are monitored, that is all.

Mr. Owens said he was sure their regulations today are different than they were back in 2007.

Mr. Zacher said the reason DEP is there is because it is a monitoring situation. He said DEP is required to monitor the situation. He said they are not there for complaints or for compliance issues. He said they are there for monitoring and they are required to monitor. He said this is 100 percent private property, private storm, private sanitary and private water. He said there are no outside facilities. He said this would be a slab with a shell on it with no restrooms so they could do maintenance in it.

Mr. Cosnek said they could start with the waivers. He asked for a motion on the sidewalk waiver.

A MOTION WAS MADE BY Mr. BOB OWENS, SECONDED BY Mr. BILL FITZGERALD, TO RECOMMEND APPROVAL TO THE BOARD OF SUPERVISORS FOR A WAIVER FOR SIDEWALKS TO BE PROVIDED ALONG ALL STREET FRONTAGES FOR MINOR LAND DEVELOPMENTS.

ROLL CALL:	CHUCK KYLE	YES
	BOB OWENS	YES
	BILL FITZGERALD	YES
	FRED LUTZ	YES
	DAVE COSNEK	YES

Mr. Cosnek asked for a motion on the waiver for the infrastructure demand statement.

There was no motion.

Mr. Cosnek said that one failed due to a motion.

Mr. Cosnek asked for a motion on the Phase One Environmental Assessment.

A MOTION WAS MADE BY Mr. BOB OWENS, TO RECOMMEND APPROVAL TO THE BOARD OF SUPERVISORS FOR A WAIVER ON THE ENVIRONMENTAL SITE ASSESSMENT SUBJECT TO RECEIVING EVIDENCE THAT SUITABLE ENVIRONMENTAL STUDIES WERE PERFORMED IN 2007.

There was no second.

Mr. Cosnek said that motion failed due to a second.

Ms. Ludwig asked if the Board did the infrastructure demand waiver.

Mr. Kyle said the Board wasn't comfortable with it.

Mr. Fitzgerald said no one seconded it.

Mr. Owens said he made a motion and it wasn't seconded.

Mr. Wingrove asked if he could chime in for a moment. He said if the description that Mr. Salai gave a little while ago could be put into a paragraph form, that is basically what they are looking for with the Infrastructure Demand Statement, explaining that the applicant would not be impacting the water system, sewage system, that it is all on site. He said basically when it is verbalized on paper, that would satisfy the ordinance.

Mr. McDermott said that would satisfy the requirement. He said submission might satisfy the requirement so they wouldn't need a waiver. He said the engineer is suggesting that they might be able to satisfy the infrastructure demand submission requirement by giving the engineer a narrative statement saying they do X, Y, Z and that won't impact A, B, C. He asked if they have issued waivers on the sidewalks and the Phase One Environmental Site Assessment.

Mr. Kyle said that did not receive a second.

Mr. Cosnek said that is correct, the Board did not approve the Phase One Environmental Assessment because it did not get a second.

Mr. McDermott said the motion was to approve the waiver subject to receipt of evidence of some suitable environmental . . .

Mr. Kyle asked in the event that they can't produce that assessment, what is their option.

Mr. McDermott said if it was phrased that way, they would have to produce it. He said if the Board of Supervisors would agree with the Planning Commission's recommendation to waive it, they could say they would also waive it if the applicant would produce a piece of paper showing that there was something done in 2007. He said the applicant would then have two choices, to find something from 2007 and submit it or do the Phase One. He said it would be kind of self executing if it would be phrased that way.

Mr. DeLuca said that would make it be waived subject to getting that report.

Mr. McDermott said he was suggesting that the Board could make a motion to recommend waiver of the Environmental Study providing that the applicant would submit evidence of a suitable study that had been done in 2007. He said that would give them two options, find the 2007 paperwork and submit it or if they can't find it, do the study.

Mr. Kyle said he would agree with that.

A MOTION WAS MADE BY Mr. BOB OWENS, SECONDED BY Mr. CHUCK KYLE, AND CARRIED, TO RECOMMEND APPROVAL TO THE BOARD OF SUPERVISORS FOR A WAIVER ON THE ENVIRONMENTAL SITE ASSESSMENT SUBJECT TO RECEIVING EVIDENCE THAT SUITABLE ENVIRONMENTAL STUDIES WERE PERFORMED IN 2007.

ROLL CALL:	CHUCK KYLE	YES
	BOB OWENS	YES
	BILL FITZGERALD	YES
	FRED LUTZ	YES
	DAVE COSNEK	YES

Mr. McDermott said if they find the old one, they don't have to do anything.

Mr. Kyle asked if they were just left with the variance now.

Mr. Cosnek said a recommendation on the application.

Mr. McDermott said the only item they had not considered yet was whether to make a motion on the recommendation of the overall application.

Mr. Kyle said again, they would be seeking the variance because there is no other real option and it saves the two weeks to get them started just a little bit earlier, correct.

Mr. DeLuca said it appears that way.

Mr. McDermott said there has been an interpretation given to the Township tonight by the applicant and he would be happy to sit down and look at to see if there is another avenue in which they could convince the Township that it was not a necessity to obtain a variance. He said he hasn't had a chance to analyze this new information. He said if the Board wanted to phrase a motion so that it said they were recommending approval of this plan subject to either obtaining a variance regarding the setback, or otherwise proving compliance with the ordinance to the satisfaction of the Township. He said that would give the Township the luxury if they sit down in the next week and determine that they agree with the applicant's argument.

Mr. Kyle asked the applicant if that was an option they choose to take or are they going the variance route. He said he was reluctant to do that. He said he was more inclined to recommend approval subject to approval of the variance. He said if this is an issue that could be cleaned up now, why wouldn't they want to clean it up. He asked wouldn't it be better for them to get the variance now for any future development.

Mr. McDermott said he hears Mr. Kyle, but is just trying to find avenues that would satisfy everyone. He said if Mr. DeLuca can convince the Township next week that based on this other information, the Township should re-assess whether they need a variance for the site. If he would agree with that, then the Township would be constrained to say then they don't need to go get a variance anymore anyway.

Mr. Fitzgerald asked why they didn't convince the Township of that two weeks ago versus now when the Board is sitting here.

Mr. McDermott said all he is saying is that he wants to be respectful of the new argument that the attorney is making this evening and give him the opportunity. He said they are not in a position to make that call tonight without reviewing the information. He said he has no radar on whether there is any validity to their argument or not, he is just trying to fashion a motion that makes everybody comfortable and leaves all those avenues open. In other words, he said if the Board phrases the motion to either get the variance or otherwise prove compliance, then that would mean that if for some reason they could convince the Township that they don't need one, it could go straight to the next step.

Ms. Ludwig said they have a limited amount of time to do that because their application is going to be due by a certain date for next month.

Mr. McDermott asked if she meant for a variance opportunity.

Ms. Ludwig said yes, for the Zoning Hearing Board. She said the Zoning Hearing Board date for February is the 26th and the application is due four weeks prior, correct.

Ms. Cherico said correct.

Ms. Ludwig said so that would make it due January 29th and today is the 20th.

Mr. Owens said he was inclined not to hold these people up. He said the Board needs to make a decision to either table it or make a recommendation.

Mr. McDermott said that was up to the Board. He said any recommendation subject to a variance or otherwise proving compliance, anything but tabling, does prevent them from having to come back to the Planning Commission and that is up to the Board.

Mr. Kyle said he was not against approving it subject to the variance approval. He said he was reluctant on the other motion. With all due respect for the applicant's argument and they may convince the Township, he said he worries that seven years from now the Board will be sitting here again going over the same issue. He said that would keep them from debating this point at a later date as to whether they need a variance or they don't need a variance, it just makes sense to clean this all up now while they can. He said there doesn't sound like there would be anything that would prevent them from issuing a variance. He said if the Board is going to approve it, he said he would rather approve it subject to approval of the variance. The applicant gets to move forward and this will be cleaned up forever moving forward.

Mr. Owens said he would second that.

Mr. McDermott said if they would be comfortable, they could do the motion that they recommend approval subject to them obtaining any necessary variances regarding setbacks.

Mr. Kyle said it gets them to where they need to go and they are not going any further without that and there would be future compliance. He said he just didn't want to leave the opportunity

open. He said that is almost what it sounds like happened seven years ago. If the Township had gone that path maybe they would be sitting here having this 45 minute discussion today.

Mr. McDermott said that he can assure the Board that if it would be determined between now and the hearing that they don't need a variance, the new issue seven years from now won't occur. He said he could assure them that if this is handled because the Township agree with the interpretation or they get a variance, there will become a note on the plan that they get approved that will protect them, the Township, everyone moving forward.

A MOTION WAS MADE BY Mr. CHUCK KYLE, SECONDED BY Mr. BOB OWENS, AND CARRIED, TO RECOMMEND APPROVAL TO THE BOARD OF SUPERVISORS FOR THE WOOD WASTE RECYCLING BUILDING ADDITION SUBJECT TO RECEIPT OF ANY NECESSARY VARIANCES REGARDING SETBACKS.

ROLL CALL:	CHUCK KYLE	YES
	BOB OWENS	YES
	BILL FITZGERALD	YES
	FRED LUTZ	YES
	DAVE COSNEK	YES

Mr. DeLuca asked if he could summarize basically what he just heard, the sidewalk condition is waived.

Ms. Ludwig said providing they pay the fee in lieu and provide the cost estimate.

Mr. DeLuca said yes. He said the engineer just wants a narrative statement for the infrastructure demand statement.

Mr. McDermott said the waiver request was denied so Mr. Salai is going to make a submission that fulfills the requirement.

Mr. DeLuca said with the Environmental Assessment, they are going to provide the one they have from previously. The encroachment, he said they are going to need a variance.

Mr. Kyle said if they can't provide the environmental assessment, they are back to having to do the Phase One.

Mr. McDermott said yes, but they won't have to come back before the Planning Commission.

Mr. DeLuca said thanks.

4. Application 2015-04 CU – Penn Lincoln Associates Conditional Use Application – Application of Penn Lincoln Associates for a conditional use for a Place of Assembly at 540 Penn Lincoln Drive in a B-1 Neighborhood Commercial Zoning District.

Mr. Cosnek asked a representative to approach the Board.

Ms. Pompeo approached the Board and said she is with Penn Lincoln Associates that owns and manages the Penn Lincoln Shopping Center. She said there is a storefront there that has been vacant for a number of years. She said it was formerly a restaurant called Gameday Gathering Place and there is a new tenant that would like to move into that space called Life Span, a senior activity center. She said they need to apply for a Conditional Use for a place of assembly versus the restaurant use. She said a representative of Life Span was also in attendance for any questions the Board may have and she believed it would be a real asset to the community.

Ms. Ogle said she is very interested in seniors since she is one herself. She said she is also a member of the Pennsylvania Council on Aging, works with the AAA Office on Aging and a Board member for Life Span. She said Life Span offers senior centers and case management provided by Allegheny County Office on Aging. She said one of the main things that Life Span does is Meals on Wheels, home delivered meals. She said Life Span covers this territory and is a provider to the Office on Aging from McKeesport all the way around to the Sewickley Bridge. She said there are currently 13 centers in other areas of the county such as the City of Pittsburgh, Carnegie, two in McKeesport, Dormant and they plan on combining some of these centers together because the state and the Office on Aging have determined that is the way to go. She said there isn't a senior center in every little town anymore because the communities can't economically handle it and they can't really provide the programs in a good setting. She said there are a lot of centers in the state of Pennsylvania that look exactly like they did when they were started in 1964. She said that isn't any good because baby boomers aren't going to go play bingo all day so the center idea today is more of a community center for people 60 years old and over. She said the other thing that they do is with their case management. She said the case management watches somewhat what goes on at the centers to pick up clues of some of the older people to see if they are in trouble and why they are in trouble. It is kind of a little side effect other than assembling to do activities together.

Ms. Ogle said Life Span is educational, provide meals and has all sorts of programs including fitness. She said they are working with the fitness center that is already located at Penn Lincoln which is an added bonus for this location. She said many of the other centers have to put in their own fitness center, but this one is fortunate that they will be able to partner with the existing one. She said they are also working with Robert Morris University on some possible educational programs such as computer training and things like that. As for entertainment, she said they have a lot of people that come to the centers to entertain as well as there are card games, board games and the usual types of games that seniors are usually interested. She said at this point, they have four kitchens in Allegheny County, one in Bridgeville which would move to this facility. She said since this was a restaurant, it already has a commercial kitchen and it is already ADA compliant for restrooms. When they do the meals, she said there wouldn't be any traffic or trucks coming through the plaza parking lot because there is a loading dock behind the building. She said all of their drivers are professional, they own all of their own trucks and they do a lot of deliveries in this area which is one of the reasons they were so happy when they found this building.

Ms. Ogle said Western Allegheny County has no senior programs. She said North Fayette has one luncheon a month, there is one luncheon a month in Collier, one in Findlay, sort of an organization in Moon and South Fayette, Robinson Township has absolutely nothing for seniors and Kennedy has nothing for seniors. She said how she got started with this was from a meeting with Bob Brozovich, the former parks director here, and the parks director in Findlay. She said

there are a lot of people who are really interested in this project because this whole area has a lot of seniors and North Fayette Township has a lot of seniors.

Ms. Ogle said she has been riding around the area and North Fayette Township has a lot of building going on which is wonderful. She said this is a great area and a growing area and there is no reason why this community shouldn't have a center like this.

Mr. Fitzgerald said basically what they intend to do is use the kitchen facilities in this building and then turn the rest of it into a meeting hall where they could provide a variety of activities for senior citizens.

Ms. Ogle said yes, that pretty much covers it.

Mr. Fitzgerald said he thought this was wonderful.

Ms. Pompeo said she had one more thing to add that this location would provide kind of a one stop shop with a post office, a rehab facility, doctor's office, dentist office, hair salon, liquor store, so they could do everything there.

Ms. Ludwig said they could even get pizza and ice cream.

Ms. Ogle said that was a good point and they have found throughout the state as well as the ones in this region, the center needs to be in or near a shopping center because the seniors come and have lunch and then run all of their errands. She said this location is also in close proximity to Shop N Save, Rite Aid, Kings, and the Dollar Store. She said in McKeesport, they took two centers and put them together and they are in the Olympic Shopping Center. She said the people in the shopping center are so delighted because their sales have gone up. Even though they had gotten some friction from seniors in the beginning that some were losing their center, she said they never hear anything but good things about the location now. Because they are combining centers with this current location, she said they have to get approval from the county and the state. She said it went to the county last week and would go from there to the state. She said the state was excited to see something being located in this area especially since North Fayette was exactly in the middle of the service area.

Mr. Owens said he thought everyone in the area would welcome the center.

The Board reviewed the comments of Ms. Ludwig and Mr. Wingrove.

Ms. Ludwig made the following comments:

1. This is an application for a conditional use for a "Place of Assembly" at 540 Penn Lincoln Drive in a B-1 Neighborhood Commercial Zoning District.
2. Penn Lincoln Associates has signed a lease agreement with Life Span, a non-profit organization that provides services to senior citizens, to operate a community resource center at Penn Lincoln Plaza. Life Span currently operates several community resource centers for seniors in communities across Allegheny County, including Bridgeville and McKeesport, to name a few.

3. Life Span will be utilizing the former Game Day space at Penn Lincoln Plaza for use as their newest community resource center in the County. Life Span has been assisting adults over the age of 60 and their families since 1973. Life Span's mission is to offer resources, programs, and services that promote healthy and dignified aging. Organized activities such as cooking classes, Bingo, and fitness classes, among others, will take place at the site. Meals will also be prepared and served.
4. Given the amount of active seniors in the North Fayette community, this is a great fit for the Township. Plus, it will occupy a retail space that has been vacant for a number of years. Life Span's proposed community center will service seniors throughout the Airport Area and will draw residents of neighboring communities into North Fayette.
5. The applicant, Penn Lincoln Associates, has submitted a letter dated January 15, 2015 noting that they will comply with the general standards and criteria for all conditional uses as well as the standards for the specific conditional use as a "Place of Assembly."
6. As previously mentioned, Life Span's proposed use as a community center falls under the use category of "Place of Assembly" in the Zoning Ordinance. The parking requirements for a Place of Assembly are as follows: 1 space for every 75 square feet of net floor area. As mentioned, this use is replacing a former restaurant use that would have had more stringent parking requirements. A total of 246 (238 regular and 8 handicapped) parking spaces are provided at Penn Lincoln Plaza. An additional 53 parking spaces (including 3 handicapped) are provided for the stand-alone Heritage Valley building at the Plaza and another 29 spaces service the former Bruster's ice cream building. There is adequate parking on-site and no history of parking issues at the Plaza.
7. The applicant provided a traffic analysis prepared by Wooster and Associates dated April 21, 2014. This traffic assessment was completed for Heritage Valley's Conditional Use Application from last year for a High Intensity Medical Office. As such, the traffic analysis should be revised to more accurately reflect the use as a senior center/ community center/ place of assembly. This information should be submitted as soon as possible but no later than the public hearing, which will likely occur in February. A more detailed traffic study will need to be prepared should the number of peak trips in the afternoon exceed 100. However, it is doubtful the senior center will generate the amount of traffic that would necessitate the need for a full- blown traffic study.
8. Refer to any comments from the Township Engineer per LSSE's letter dated January 16, 2015.
9. Refer to any comments from the Township Solicitor.

Ms. Ludwig said she had spoken with Ms. Ogle and provided a list of possible places to rent. She said the Township had been trying to help them find space for a while and they had looked at the Pointe at North Fayette because that was where they ideally wanted to locate. She said she believed this was a really great location that they found.

Ms. Ogle said they are much happier with this location than the Pointe.

Ms. Ludwig said the Township did receive the updated traffic information earlier today. She said it does not constitute the need for a traffic study because it amounts to roughly 73 total trips generated at peak hours. She said this would certainly be less than the restaurant use would have required. She said there is adequate parking on site and the plaza recently did some parking revisions to the space making it a lot easier to navigate the lot and it eliminated the ability to cut through the parking lot. She said there are 246 spaces that service the plaza and additional spaces that service the stand alone building that contains Heritage Valley and the former Brewster's location. She said the Township doesn't have any issues with this application and it is just a matter of going through the process of the public hearing.

Ms. Ogle said the hours of operation would usually be 9:30 or 10 a.m. to 2:30 or 3 p.m.

Ms. Ludwig said one other condition has to do with drop off and pick up. She said she didn't believe it would be an issue because the plaza is set up so there is access and it should be quick drop off and pick up without impacting traffic going in and out of the plaza.

Ms. Ogle said most people would be dropped off and wouldn't be parking in the lot.

Ms. Ludwig said people run in and out of the post office all of the time and it doesn't seem to be an issue.

At this time, Ms. Ludwig said the application looks to be complete. As such, she recommended that the Planning Commission make a motion to recommend that the Board of Supervisors set a public hearing date for Penn Lincoln Associates' Conditional Use application. In addition, she recommended that the Planning Commission make a recommendation to the Board as to whether to approve or deny the application.

Mr. Wingrove made the following comments:

We have completed our review of the above referenced Conditional Use application, dated January 8, 2015, as received by our office January 14, 2015. The Conditional Use application proposes to convert an existing restaurant into a place of assembly at the Penn Lincoln Shopping center. The property is located along at 540 Penn Lincoln Drive, and is Zoned B-1 – Neighborhood Commercial District.

The following listing presents items identified during our initial review that do not conform to the Township of North Fayette's Zoning Ordinance (Chapter 27):

Zoning

1. The Ordinance requires a traffic impact analysis. (Section 701.1.D.1.(d.) and 703.MM.(3).) **Status: The Trip Generation and Parking Analysis letter, prepared by David E. Wooster and Associates, Inc. is from a previous project to convert a retail store into a medical office. Provide a traffic impact analysis associated with the proposed project. Alternatively, if the project proposes less than 100 peak hour trips, provide a sealed statement documenting such.**

The plans have been reviewed for conformance to the Township Ordinance standards only. The review is based on surveys and drawings prepared by others and assume this information is correct and valid as submitted. Independent confirmation of adequacy or applicability of surveys, design data or procedures has not been provided.

The application, as submitted, does not conform to the Township of North Fayette's Zoning Ordinance (Chapter 27). Additional comments may be made and we reserve the right to comment further pending submission of revised plans.

Mr. Cosnek asked if anyone had any further questions or comments. Hearing none, he asked the Board for a motion.

A MOTION WAS MADE BY Mr. BILL FITZGERALD, SECONDED BY Mr. BOB OWENS, AND CARRIED, TO RECOMMEND THAT THE BOARD OF SUPERVISORS SET A CONDITIONAL USE PUBLIC HEARING FOR A PLACE OF ASSEMBLY FOR PENN LINCOLN ASSOCIATES.

ROLL CALL:	CHUCK KYLE	YES
	BOB OWENS	YES
	BILL FITZGERALD	YES
	FRED LUTZ	YES
	DAVE COSNEK	YES

Mr. Cosnek asked for a motion on the application.

A MOTION WAS MADE BY Mr. FRED LUTZ, SECONDED BY Mr. CHUCK KYLE, AND CARRIED, TO RECOMMEND APPROVAL TO THE BOARD OF SUPERVISORS FOR CONDITIONAL USE FOR A PLACE OF ASSEMBLY FOR PENN LINCOLN ASSOCIATES.

ROLL CALL:	CHUCK KYLE	YES
	BOB OWENS	YES
	BILL FITZGERALD	YES
	FRED LUTZ	YES
	DAVE COSNEK	YES

COMMENTS:

Mr. Cosnek asked if anyone had any comments or questions about anything.

Mr. Friend approached the Board and said he wanted to make a comment concerning the May 10, 2011, revised final approved plan for Bright Oaks which provided for a four-story structure conditioned upon perpetual open space of 46.2 acres. With the potential application to revise that, he said the residents of Stonebridge found it odd that it would even be taken under advisement. He said he understands that they can submit an application certainly, but the residents of Stonebridge would find it awful distressing to consider such an application if it was to come to pass. He said he understands that they can submit anything they want, but the

Stonebridge residents went through a four year battle over what has already been approved at that location. He said at the time, Bright Oaks went on record saying they had no intentions of ever increasing the footprint. He said the Board of Supervisors have that in writing and it was to be placed on every deed, every plan. He said they have so quickly asked to reduce that down to 34.9877 acres because they want to put a few more dwellings up. He said he realizes they want to build on the western side of the property, but it isn't going to sit well and the residents of Stonebridge will be a part of it and he asked if they could be kept in the loop.

Mr. Fitzgerald said there are a few Planning Commission members that noticed they were trying to move the field goal posts and had some discussion about it today. He suggested that they bring their concerns to the Board of Supervisors because the Planning Commission can make recommendations, but ultimately it is the Board of Supervisors that has the final say.

Mr. McDermott said he recommended they come back to the Planning Commission meeting next month with their input when the applicant would be in attendance. He said Mr. Friend is correct that anybody can file an application and it can't just be rejected. He said they are entitled to go through the paces and there would be another public hearing like there was in 2011. He said they would certainly be welcome and that would be the time to voice their concerns or objections.

Ms. Ludwig said the residents are welcome to come back to Planning Commission next month to hear Bright Oaks' presentation. She said they could communicate with her directly to find out if they will or will not end up on the agenda. She said her communications with Bright Oaks at this point was that they would resubmit for the February Planning Commission meeting. After that meeting, a public hearing would be set up and the application would eventually get to the Board of Supervisors. She said the Planning Commission would meet Feb. 17 and the Board of Supervisors' public hearing would probably be the second meeting in March that fourth Tuesday if everything goes well.

Mr. Friend said he doesn't want anything to go well; he wants it to die in March.

Ms. Ludwig said she meant that they would have a complete application that could move forward.

Mr. Cosnek asked if there were any further questions or comments.

Ms. Ludwig said she had a few comments for the Board and asked if the gentlemen from Stonebridge wanted to stay for one of them since it was Bright Oaks related. She said she wanted the Board to be aware that Bright Oaks was proposing parking pavilions. She said she didn't find anything in the ordinances that prevents them from doing it.

Mr. Fitzgerald asked if this was on the green space that they were talking about.

Ms. Ludwig said no, this would be on their parking lot and basically taking the parking and covering it. She said for someone that lives there, they could walk out to their car and not get hit by rain or snow or whatever was going on. She said it would be kind of like a covered walkway coming out of the buildings and going to covered parking spaces. She said she has been told it would be a brick-faced structure that would match the buildings and would not affect any of their

parking numbers. She said they are going to have to relocate some trees, but the Township would make sure they keep the same numbers. She said they would also have to make sure that fire trucks would be clear and they would have to get a building/zoning permit for it, but it wouldn't require land development approval. She said she just wanted to make the Board aware that they were proposing to do this starting with Building No. 3 so when Board members drove by it wouldn't be a surprise.

Mr. Kyle asked if it would be for all of the buildings.

Ms. Ludwig said yes, they are proposing it for all of the existing buildings.

Mr. Fitzgerald asked if it would have to go before the Planning Commission.

Ms. Ludwig said no, it does not require land development approval. It would just require a building permit. She said she just wanted to give the Board a heads up and get comments if there were any. She said when she initially looked at the plan, she thought this was going above and beyond to make sure residents wouldn't get hit by rain and wondered what this was actually going to look like.

Mr. Kyle said there would probably be an upcharge for parking under it.

Ms. Ludwig said probably. She said she didn't want Board members to drive by and see it and wonder why they were never told about it. She said Bright Oaks intends to move forward with this and would be applying for a building permit for Building 3 sometime soon.

Ms. Ludwig said as for her other comment, there was a slight problem with the date on the advertisement so the ASA public hearing and Zoning Text Amendment public hearing are actually January 27 at 7:30 p.m. if anyone would be interested.

ADJOURNMENT:

A MOTION WAS MADE BY Mr. BILL FITZGERALD, SECONDED BY Mr. FRED LUTZ, AND CARRIED, TO ADJOURN THE MEETING AT 9:06 P.M.

Respectfully submitted,

Cheryl Cherico
Planning Commission Recording Secretary