

**NORTH FAYETTE TOWNSHIP  
PLANNING COMMISSION**

**REGULAR MEETING  
TUESDAY, MARCH 18, 2014  
7:30 P.M.**

The meeting was called to order by Chairman Bob Owens.

**MEMBERS PRESENT:**

Bob Owens, 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:**

Bill Fitzgerald, Vice Chairman  
Kevin Brett, P.E., Township Engineer

**OTHERS PRESENT:**

Mark Schmidt, Hampton Tech  
Mark Schmitt, Monark  
Dale Wachter, Wachter-Willis Consulting

**UNFINISHED BUSINESS:**

A motion was made by Mr. Dave Cosnek, seconded by Mr. Fred Lutz, to approve the minutes from the February 18, 2014, meeting. Motion carried.

**NEW BUSINESS:**

- 1. Application 2014-03 – Monark Garage Expansion** – Application for preliminary and final non-residential land development on 40.81 acres of land located at 222 Steubenville Pike in an I-1 Light Industrial Zoning District.

Mr. Owens asked a representative to approach the Board.

Mr. Schmidt and Mr. Schmitt approached the Board.

Mr. Schmit said what they are looking to do is add an additional work bay to the left side of the existing facility. He said the area is flat so they will not have to do any grading. He said they would just need to dig some footers and pour the slab. He said they do have a stormwater management plan that would be a small rock sump directly out in front that would discharge to the existing catch basin which flows to the existing detention pond in the front. He said it is pretty straight forward and they did receive some comments from Lennon Smith Souleret and they have submitted a response to those comments. He said several of the comments dealt with sidewalks and the Geotechnical report. He said they have asked for waivers on those.

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 non-residential minor land development on 40.81 acres of land located at 222 Steubenville Pike in an I-1 Light Industrial Zoning District.
2. This project involves the construction of a 1,329 square foot addition to construct an additional bay for the maintenance and repair of buses. After talking with the applicant, no new employees will result from the construction of this addition.
3. For purposes of determining parking requirements for the Monark Garage, the use code it best fits under is Truck Terminal, which is defined as “a facility to accommodate the service, repair and storage of trucks and other motorized equipment and trailers, and which may incidentally provide warehousing activities and transfer facilities.” Table 6 in the Zoning Ordinance highlights parking and loading requirements. However, there are no parking and loading requirements provided for a truck terminal. As such, it would fall under the catch all for “uses not specifically listed” and thus the parking requirements are to be determined by the Planning Commission. The Monark Garage currently has 74 total employees at the Steubenville Pike location. There are a total of 88 parking spaces provided on site as shown on the plans, including three ADA spaces. Of the spaces provided, employee parking is provided on the eastern side of the site, and includes 37 asphalt-paved spaces and 48 gravel spaces. In addition, there are six paved spaces provided directly adjacent to the east side of the building, three of which are ADA accessible. This area is primarily used for visitor parking, although visitors are minimal.

Due to the nature of the use of this business, including the limited amount of public traffic, its location, and the fact that the addition will not result in any new employees being hired, I believe there is adequate parking provided on site. If they are required to provide one parking space per employee during peak shift, they would be required to have 74 spaces. They provide a total of 88 in a mix of paved and gravel parking spaces. I recommend that the applicant be required to maintain the 88 spaces currently provided on-site to meet present need and potential future demand. In addition, the plans should be amended to note the parking requirement as 88 spaces, and not 74.

4. Per Section 303.2.(a) of the Township's Subdivision and Land Development Ordinance #226 (SALDO), a Geological Report should be provided. This was not provided as part of the application materials. In a letter dated March 17, 2014, the applicant requests a waiver/modification for this requirement due to the limited amount of earth disturbance involved in the project and the use of the previously graded building pad on site.
5. Section 502 of the SALDO requires that developments be served by public sanitary sewers. In a letter dated March 17, 2014, the applicant requests a waiver/modification to this requirement as the existing building utilizes a holding tank and there are no public sewers nearby.
6. Per Section 504(b) of the Township's SALDO, sidewalks shall be required to be installed along the full frontage of lots located on arterial or collector streets. A sidewalk has not been shown or provided on the plan. In a letter dated March 17, 2014, the applicant requests a waiver/modification to this requirement. Please note there are no existing sidewalks in this area.
7. Section 609.1. of the SALDO requires storm sewer pipes to be a minimum of 15 inches in diameter. The plans submitted propose only an 8-inch diameter pipe. In a letter dated March 17, 2014, the applicant requests a waiver/modification to this requirement, noting that the 8-inch pipes have the required capacity to convey the anticipated flows from the stormwater runoff. This request must be reviewed and approved by the Township Engineer prior to making a motion to recommend approval to the Board.
8. Per Section 311 of the SALDO, the applicant will be required to enter into a Developer's Agreement with the Township for any public improvements associated with the development. In addition, Section 310 of the SALDO 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.
9. Section 803 of the Stormwater Management Ordinance requires that a Stormwater Maintenance Agreement be signed and recorded and that a payment be made to the Stormwater Facility Maintenance Fund for privately owned and maintained facilities. The agreement and payment into the fund can be coordinated with Township staff and the Township Solicitor and can be part of a contingent approval.
10. Refer to any comments from the Township Engineer per LSSE's letter dated March 13, 2014.
11. Refer to any comments from the Township Solicitor.
12. Copies of Monark's plans were sent to Ms. Kay Pierce of the Planning Division of the Allegheny County Economic Development Department. As of the date of this letter, the Township had not received any comments back from the County.

13. 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, the applicant will be billed for any remaining fees owed and asked to replenish the escrow account.

At this time, the application looks to be incomplete, pending some changes, revisions, and clarifications necessary per LSSE's March 13, 2014 letter. I recommend that the Planning Commission reject the Monark Garage Expansion plans as administratively incomplete. Per LSSE's letter, there are still some outstanding items that need to be addressed including lighting and landscaping.

The applicant can resubmit for the April 15<sup>th</sup> Planning Commission meeting. Since it is a resubmittal, the revised plans are due two weeks prior to the meeting on Tuesday, April 1<sup>st</sup> by 4pm. Please note that 3 full-size and 11 half-size copies of the plans are required for the resubmittal.

Ms. Ludwig said there were some discrepancies on the number of parking spaces. She said when she originally added it up, she came up with 88. She said it was labeled incorrectly and there are actually only 75 parking spaces.

Mr. Schmidt said to clarify when they labeled the spaces, they were done in groups. He said the groups were basically cut and pasted and the numbers were not changed. He said the plan showed there were 88 spaces when the correct number is 75.

Ms. Ludwig said there are currently 74 total employees and that includes bus drivers and office employees.

Mr. Schmidt said that was correct.

Ms. Ludwig said her initial thought on the parking and their use code – when you look at the uses table in the zoning ordinance and how to determine Monarch's use – looking at the definitions in the rear of the zoning ordinance, there is a definition provided for truck terminal which is a facility to accommodate the service, repair and storage of trucks and other motorized equipment and trailers, and which may incidentally provide warehousing activities and transfer facilities. She said that is really what they do there. She said they really don't fit into vehicle repair garage because they don't have customers coming in and out. They are more than a warehouse so they really fit into that truck terminal category. Unfortunately, that use code isn't listed in the parking table so it would fall under the catch all for parking where it is up to the Planning Commission to decide what their parking requirement would be. Thinking initially that they had 88 spaces, she thought they had more than enough for expansion. Now with only 75 spaces and 74 employees, she said she wasn't sure.

Mr. Schmitt said the additional bay that they are requesting to build would not change the parking needs whatsoever. He said all it would do is give them an additional bay to do more maintenance on the buses. He said it is actually something they wish they would have done 13 years ago.

Mr. Owens said it would not be adding more buses or more employees.

Mr. Schmitt said that was correct. He said the bay would be strictly for maintenance.

Ms. Ludwig said they could argue that those 75 spaces would still be adequate for right now since they would not be adding any employees. She said it doesn't address any future expansions they may want to do down the road. She said that is something that could be addressed when and if they come back in the future. She said they have 74 employees at peak shift which includes their drivers, mechanics and office staff and they are providing 75 spaces through a mix of paved and gravel parking area.

Mr. McDermott said the Board is allowed to utilize the analogies of the other uses that were discussed to come up with a reasonable use for the business.

Ms. Ludwig said a warehouse would require one space for every two employees and the vehicle repair garage is based more on square footage and customers. She said if they require one space per every employee then they would be okay.

Mr. McDermott said they should accommodate for visitors as well. He asked if they ever have any visitors.

Mr. Schmitt said from time to time they would get a visitor.

Mr. McDermott asked if the Board needed the applicant to put a few more spaces on the site, would it be possible.

Mr. Schmidt said there is plenty of space on the existing site if it was needed.

Ms. Ludwig said they could recommend that a few more spaces be added to cater to any visitors that might be coming to the office since there is only one additional space at this time.

Mr. Cosnek asked if the 75 spaces include the parking in front of the building where the handicapped parking is located.

Ms. Ludwig said yes. She said if they would require the applicant to add three more spaces, it would bring it up to a total of 78 spaces.

Ms. Ludwig said her letter dated today stated they are requesting four waivers for sidewalks, geotechnical report, size of the storm sewer pipes and the public sewer because they have a holding tank.

Mr. Schmidt said the storm sewer that Ms. Ludwig is referring to would be from the downspouts to the pit and then from the pit to the catch basin.

Mr. Wingrove made the following comments:

We have completed our review of the above referenced Land Development application, dated March 3, 2014, prepared by Hampton Technical Associates, Inc., as received by our office March 5, 2014. The Land Development application proposes a 1,329 square foot building expansion. The property is located along Steubenville Pike, and is Zoned I-1 – Light Industrial District.

The following listing presents items identified during our initial review that do not conform to the Township of North Fayette’s Zoning Ordinance (No. 360) and Subdivision and Land Development Ordinance (No. 226):

Zoning

1. The Ordinance requires a Landscaping Plan provide appropriate details. (Section 206.1.B.) **Status: No planting details have been provided.**
2. The Ordinance requires parking based upon proposed land use. (Section 301.D.) **Status: The proposed use of the development best fits the definition for Truck Terminal as defined in Section 1401. This use is not listed in Table 6 Parking and Loading. Therefore, per the provision for Uses Not Specifically Listed, the minimum parking requirement shall be determined by the Planning Commission. Should the Planning Commission determine that additional spaces are required, a complete review of off-street parking requirements will be completed by LSSE.**
3. The Ordinance requires lighting be an average of 2-footcandles during normal hours of operation. (Sections 308., and 907.) **Status: A Lighting and Illumination Plan has not been provided, which indicates the spot illumination levels to the property line.**
4. The Ordinance requires a Buildable Area Analysis be provided. (Section 502.A.) **Status: Not provided.**
5. The Ordinance requires that no erosion may occur. (Section 908.) **Status: A Soil Erosion and Sedimentation Control Plan has not been provided. Documentation that the Soil Erosion and Sedimentation Control Plan has been reviewed and approved by the Allegheny County Conservation District (ACCD) has not been provided.**

Land Development

1. The Ordinance requires a boundary survey of the site, sealed by a professional land surveyor. (Section 303.1.(c).(1).) **Status: The boundary survey has not been sealed.**
2. The Ordinance requires the land development plans be sealed by registered engineer or surveyor who prepared the plans. (Section 303.1.(c).(3).) **Status: The plans have not been sealed.**
3. The Ordinance requires that areas subject to flooding be identified on the plan. (Section 303.1.(c).(10).) **Status: The limit of the 100-year flood plain has not been shown on**

**the plan. If the site is not located within the 100-year floodplain, a note indicating such should be added to the plan.**

4. The Ordinance requires that existing streets and rights of way adjoining the site be shown. (Section 303.1.(c).(12).) **Status: The plan identifies Old Steubenville Pike as State Route 3066; however, Old Steubenville Pike is a Township roadway in this location.**
5. The Ordinance requires a Geologic Report be provided. (Section 303.2.(a).) **Status: Not provided.**
6. The Ordinance requires a Soil Erosion and Sedimentation Control Plan be provided. (Section 303.2.(c).) **Status: Not provided. Documentation that the Soil Erosion and Sedimentation Control Plan has been reviewed and approved by the Allegheny County Conservation District (ACCD) has not been provided.**
7. The Ordinance requires a Traffic Study provided for any development generating more than 450 trips per day. (Section 303.2.(d).) **Status: A traffic study or documentation confirming the proposed development generates fewer than 450 trips per day has not been provided.**
8. The Ordinance requires the location and specification for lighting of parking area and walkways be provided. (Section 303.2.(g).(6).) **Status: A photometric plan has not been provided.**
9. The Ordinance requires monument and lot markers per Section 501. (Sections 303.2.(g).(15)., and 501.) **Status: Lot markers have not been identified at all property corners.**
10. The Ordinance requires the posting of a Completion Bond. (Section 310.) **Status: An itemized quantity takeoff and unit price cost estimate has not been provided for review.**
11. The Ordinance requires a Development Agreement. (Section 311.) **Status: The Developer should contact the Township Solicitor to initiate the preparation of the Development Agreement.**
12. The Ordinance requires the development be served by public water. (Section 502.) **Status: Documentation that water service is available has not been provided.**
13. The Ordinance requires the development be served by public sanitary sewers. (Section 502.) **Status: Documentation that sanitary sewer service is available has not been provided.**
14. The Ordinance requires sidewalks along the full frontage of arterial or collector streets. (Section 504.(b).) **Status: Sidewalks have not been provided along Steubenville Pike.**

15. The Ordinance requires the site grading to comply with the Township Grading Ordinance. (Section 603.1.) **Status: A grading plan has not been provided. If the plan proposes no grading, please provide a note indicating such.**
16. The Ordinance requires storm sewer pipes be a minimum of 15-inch diameter. (Section 609.1.) **Status: The plan proposes an 8-inch diameter pipe.**

#### Stormwater Management

1. The Ordinance requires a key map showing the development's site within the designated watershed. (Section 402.B.1.) **Status: Not provided. The plan indicates that the project site is located within the Chartiers Creek Watershed. Revise the plan to identify the Robinson Run Watershed.**
2. The Ordinance requires the seal of the registered professional engineer responsible for preparation of the plan. (Section 402.B.16.) **Status: Not provided.**
3. The Ordinance requires a Soil Erosion and Sedimentation Control Plan be provided. (Section 701.) **Status: Not provided. Documentation that the Soil Erosion and Sedimentation Control Plan has been reviewed and approved by the Allegheny County Conservation District (ACCD) has not been provided.**
4. The Ordinance requires a Stormwater Maintenance Agreement be signed and recorded. (Section 803.C.1.) **Status: A copy of the signed and recorded Stormwater Maintenance Agreement has not been provided.**
5. The Ordinance requires payment to the Stormwater Facility Maintenance Fund for privately owned and maintained facilities. (Sections 803.D.1.a., and 902.C.) **Status: Not provided.**

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 (No. 360). Additional comments may be made and we reserve the right to comment further pending submission of revised plans.

Mr. Wingrove said the applicant did submit responses today, but there was not time to review to determine if all were addressed.

Mr. Owens said he was more comfortable with allowing time for additional review and having the applicant come back next month rather than make a recommendation to the Board of Supervisors with a long list of conditions.

Mr. Schmitt said they would like to have the job completed this summer so construction would not be ongoing when school starts in the fall.

Mr. McDermott said procedurally it brings the applicant back to the Planning Commission, but timeline wise this Township operates on a bi-monthly schedule so the applicant wouldn't be losing time.

Ms. Ludwig said if the Planning Commission made a recommendation tonight, it wouldn't go before the Supervisors until April. If the applicant came back to the Planning Commission next month, it would still go before the Supervisors in April.

Mr. Schmitt said he didn't know that and thought it was wonderful.

Ms. Ludwig gave the applicant the re-submittal schedule.

Mr. Schmidt asked if they could get an indication on how the Board feels about the waiver requests.

Ms. Ludwig said sure that could be discussed briefly. She said they have requested a waiver for sidewalks along Steubenville Pike where there are currently no sidewalks. She said this would be one of those sidewalks to nowhere situations that have come up in the past. In the new SALDO that was approved in January, there is a fee in lieu of sidewalks that could be considered. As for the geotechnical report, she said there is already a pad there and they would not be doing any grading work so she didn't see an issue with that request. She asked Mr. Wingrove if he had any comments on the requests.

Mr. Wingrove said the other consideration is for the geotechnical report. Obviously there is really no grading being done for site work, but one thing to consider is possibly for issuance of a building permit for the foundation design. He said he didn't know if it was undermined at any point because a lot of places in the township have had undermining. He said that would be something to keep in mind as it applies to a building permit but not necessarily with the site work.

Ms. Ludwig said another waiver request was for the size of the storm sewer pipes. She asked Mr. Wingrove to address that one.

Mr. Wingrove said yes, that and the public sewer because they have a holding tank. He said he had no objections.

Mr. Owens said he didn't see any real issues with the waiver request.

Mr. McDermott said the Board could indicate its inclination, but does not have to make a motion since the application would be coming back next month.

Mr. Owens said he didn't see any problems.

Mr. Kyle said he didn't have a problem with the sidewalk waiver and would defer the others to the engineer. He said if Mr. Wingrove feels the flow would be sufficient with the smaller pipe, he was fine with it.

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

**A MOTION WAS MADE BY Mr. FRED LUTZ, SECONDED BY Mr. CHUCK KYLE, AND CARRIED, TO REJECT THE APPLICATION AS ADMINISTRATIVELY INCOMPLETE.**

<b>ROLL CALL:</b>	<b>DAVE COSNEK</b>	<b>YES</b>
	<b>FRED LUTZ</b>	<b>YES</b>
	<b>CHUCK KYLE</b>	<b>YES</b>
	<b>BOB OWENS</b>	<b>YES</b>

- 2. Application 2014-04 – Mancini-Powell Subdivision Plan** – Application for preliminary and final minor subdivision involving the lot line relocation between two lots on 7.53 acres of land on North Road and Sitarik Road in an R-R Rural Residential Zoning District.

Mr. Owens asked a representative to approach the Board.

Mr. Wachter approached the Board. He said Mr. Mancini and Mr. Powell have agreed to a land swap. He said there is an existing garage a little too close to the line and they are trying to get a little buffer. He said it amounts to about 2/10<sup>th</sup> of an acre to change the lot line location.

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

Ms. Pierce submitted the following comments:

We received the plan and letter of request to review on 6 March 2014. A review has been conducted and we offer the following comments.

Per Appendix 1, Item 8 of the Allegheny County Subdivision and Land Development Ordinance (county SALDO). All lot line descriptions must be correct, complete, and the information perfectly legible.

- See the southwestern-most boundary of Lot #1. The lot line description is missing on the line segment located between bearing/distance S32°25'00"W105.85' and S28°50'00"E78.58'. This information must be provided.
- Bearing/distance S47°175.40' along North Road is partly obscured by other drafting lines and needs to be cleaned up.
- See the lot line with bearing S44°14'50"W and a written total distance of 160.81'. However, the sum of the distances on the two line segments with bearing S44W (99.90' and 61.91') equals 161.81'. Please have the surveyor check "50'14" this information and correct the plan as needed

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 7.53 acres of land on North Road and Sitarik Road in an R-R Rural Residential Zoning District.
2. There are several **existing non-conformances** on the plan, including the following:
  - Section 204.3.A. of the Zoning Ordinance requires a minimum lot area of 80,000 square feet. Lot No. 5-6 REV does not meet the minimum lot size requirements for the R-R district. This is an existing non-conformance.
  - Section 204.3.A. of the Zoning Ordinance also requires a minimum front setback of 40 feet. The existing house and garage on Lot No. 5-6 REV encroach into the front yard setback. This is an existing non-conformance.

These existing non-conformances have all been identified and noted as such on the plan.

3. Per Section 504.(b) of the Township's Subdivision and Land Development Ordinance #226 (SALDO), sidewalks shall be required to be installed along the full frontage of lots located on arterial or collector streets. A sidewalk has not been shown or provided on the plan. A request for a sidewalk modification/ waiver has been submitted by the applicant. The Planning Commission should make a recommendation to the Board of Supervisors as to whether that request should be approved or denied. Please note there are no existing sidewalks in this area. In addition, the applicant should revise the notes section of the plan, specifically note number 6, to edit the languages so it states a waiver was requested for 504.(b)., and not for 504.(c).
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 letters dated March 12, 2014 and March 13, 2014.
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 March 7, 2014.
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, the application looks to be complete, pending some minor revisions to the plans per LSSE's March 13, 2014 letter. The Planning Commission should recommend a motion to the Board of Supervisors regarding the sidewalk modification/waiver request. In addition, I recommend that the Planning Commission make a motion to recommend that the Board of Supervisors approve the Mancini-Powell Subdivision Plan, contingent upon all outstanding issues being addressed per LSSE's review letter and this review letter.

Mr. Wingrove made the following comments:

We have completed our review of the above referenced Subdivision Plan Application, dated February 17, 2014, last revised March 12, 2014 prepared by Wachter-Willis Consulting, LP, as received by our office March 13, 2014, via email. The plan proposes a lot line relocation between two existing lots. The properties are located at 1907 North Road and 187 Sitarik Road, and are Zoned R-R – Rural Residential.

Previous comments may be found in our letter dated March 12, 2014. 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 (No. 360), and Subdivision and Land Development Ordinance (No. 226):

#### Subdivision

1. The Ordinance requires lot markers be shown at all corners. (Sections 306.(d).(15). and 501) **Previous Comment:** *Lot corner markers have not been shown for Lot No. 1.* **Status: Lot corner markers have not been shown of all corners of Lot No. 1.**
2. The Ordinance requires sidewalks along the full frontage of arterial or collector streets. (Section 504.(b).) **Previous Comment:** *Not provided. The Applicant's Consultant has requested, in writing, a waiver to this requirement.* **Status: No change.**

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 resolution of the above noted items. Additional comments may be made and we reserve the right to comment further pending submission of revised plans.

Mr. Owens asked if this would require two motions, one for the sidewalk waiver and one for the application.

Mr. McDermott said he needed to make a legal interpretation regarding the fee and whether the Board is empowered to waive the fee under the new ordinance if somebody chooses or wants to have a waiver of the construction requirement for sidewalks. The purpose of the waiver requirement was to take money out of the equation. If you validly don't need a sidewalk, the Township didn't want that decision based on money such as somebody doesn't want to do it because it is going to cost them \$10,000 to install a sidewalk. That is why the fee in lieu of was imposed in the requirement. He said there is an issue as to whether the fee itself can be waived, the in lieu of fee. He said the ordinance uses somewhat mandatory language. The Board is empowered in its discretion and upon good cause shown to waive the requirement that you place a sidewalk where you otherwise would be required to place one under the ordinance. It goes on to say that the applicant shall pay a fee in lieu of the construction or rehabilitation of the sidewalk.

Mr. Owens said, so you are saying that the fee is required.

Mr. McDermott said yes.

Ms. Ludwig said that is correct, the board can grant the waiver but it needs to include the fee in lieu of the sidewalk to the Township.

Mr. McDermott said he wanted to make a disclaimer to the applicants' representative that it is an open question as to whether the fee is – certainly we can act on the waiver request, but the implications of that may not be that you waive the fee.

Mr. Wachter asked what the fee was based on.

Mr. McDermott said it is based on the cost that they would have to pay if they were to install the sidewalk.

Mr. Wachter asked if that was for North Road or Sitarik Road.

Mr. McDermott said it would be for the location where they would be required to put a sidewalk.

Mr. Wachter asked if the fee is held for the future if sidewalks would ever come about in that area.

Mr. McDermott said no.

Mr. Owens asked how an individual would pay that fee. Excuse me for this, but if he has to pay \$10,000 in lieu of the sidewalk does that money go into some kind of an account that may sit for 30 years before sidewalks would ever go there.

Mr. McDermott said it actually spells that out in the ordinance.

Mr. Kyle asked if that money would only be used for this particular property.

Mr. McDermott said the fee is to be determined by the Township based on the lineal foot cost basis for the required sidewalk being waived. The applicant is to submit an estimate based on the per lineal foot cost for review. He said the fee shall be accounted for separately from other monies, and shall be utilized for Township sidewalks, trails, pedestrian access, recreational facilities, and other related municipal purposes in a time period determined by the Township. These fees shall be placed in a separate interest-bearing account until utilized for the foregoing purposes. He said they didn't re-invent this, it is actually becoming pretty common in other municipalities.

Mr. Lutz said \$10,000 probably wouldn't put sidewalks in there by the time the area is graded back.

Mr. Owens said he could see it in a housing plan, but . . .

Ms. Ludwig said the ordinance does have guidelines for requiring a sidewalk in all minor land developments, all major land developments, all existing nonresidential development additions or expansions to structures where the addition or expansion results in an increase of more than 10 percent of the existing gross floor area (GFA) of the structure.

Mr. McDermott asked if that was actually the case here.

Ms. Ludwig said no, under the new ordinance they wouldn't need a sidewalk so they wouldn't need a waiver.

Mr. McDermott said exactly, you would only need the waiver if you need the sidewalk.

Mr. Cosnek said so they don't need the waiver because they are not developing the land, they are just moving the lot line.

Ms. Ludwig said that is correct, this is just a subdivision. She said she would mail all Board members a copy of the new SALDO. She said minor land development is a single family residential development that creates 2 to 4 lots. She said they have been kind of in between

using the old SALDO and the new SALDO, but next month they would be using the new SALDO entirely.

Mr. Wachter said he was afraid he was going to have to relay this to these people and explain that they were going to get this big bill.

Ms. Ludwig said he can take that note off the plan about the waiver altogether.

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

**A MOTION WAS MADE BY Mr. DAVE COSNEK, SECONDED BY Mr. CHUCK KYLE, AND CARRIED, RECOMMEND APPROVAL TO THE BOARD OF SUPERVISORS CONTINGENT UPON ALL OUTSTANDING COMMENTS OF THE TOWNSHIP COMMUNITY DEVELOPMENT DIRECTOR DATED MARCH 17, 2014, THE TOWNSHIP ENGINEER'S REVIEW LETTER DATED MARCH 14, 2014, AND COMMENTS ADDED DURING THE MARCH 18, 2014 MEETING.**

<b>ROLL CALL:</b>	<b>DAVE COSNEK</b>	<b>YES</b>
	<b>FRED LUTZ</b>	<b>YES</b>
	<b>CHUCK KYLE</b>	<b>YES</b>
	<b>BOB OWENS</b>	<b>YES</b>

**COMMENTS:**

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

Mr. Ludwig said she had a few comments. She said the new SALDO would be mailed to the Board tomorrow so they can have a chance to review it before next month's meeting. She said there are significant changes. She said they had decided to make the new ordinance and deadlines effect in April. She said applications will be due 4 weeks prior to Planning Commission and two weeks prior for re-submittals. She said they decided to do this in order to improve the process. With this, the applicant can re-submit and the engineers can re-review before there is a Planning Commission meeting. She said this would hopefully further things along through the process as opposed to holding them up. Like with the application earlier tonight, there may have been time to re-review and address the issues before the meeting.

Ms. Ludwig said she also had an update on the Comprehensive Plan. She thanked the Board members that attended the public meeting. She said seniors were very well represented and there was a lot of senior housing discussed. She has been tracking comments and emails about the plan. All in all, the response has been good. She said the sort of last step in the process is the public hearing on Tuesday, April 8, at 7 p.m. at the fire department in Hankey Farms with the regular Board of Supervisors meeting to follow. She said she hadn't received comments from the county yet, but they had 45 days to review.

Mr. Owens asked if she expected comments back from the county.

Ms. Ludwig said yes, Kay Pierce would probably comment.

Ms. Ludwig said she had one final comment. She said the Board was given updated ASA maps because there are several property owners that want to add property to the ASA. She said the properties colored in green are the ones to be added which includes the parcels that the Scotts just purchased from the Teodoris. Another addition is the Lauderbaugh property on both sides of North Branch Road even though part of the property is located in Robinson Township, Washington County. She said she talked with Robinson Township and they do not have an ASA established and they do not mind if the property is added to North Fayette Township's ASA. She said the last property is the Anderson Farm which is next to Antel's Farm on Stewart Road. She said property can be added at any time, but she preferred to wait until there a chunk of them together since no fees are generated from it even though there has to be a hearing with a court reporter and it has to be advertised. She said it does cost the Township some money. With these additions, the Township would have over 1000 acres in the ASA. In order to proceed, she needed a formal motion from the Board.

Mr. Owens asked if anybody had any questions or comments. Hearing none, he asked for a motion on the ASA.

**A MOTION WAS MADE BY Mr. FRED LUTZ, SECONDED BY Mr. OWENS, AND CARRIED, TO RECOMMEND APPROVAL TO ADD ADDITIONAL ACREAGE TO THE ASA.**

<b>ROLL CALL:</b>	<b>DAVE COSNEK</b>	<b>YES</b>
	<b>FRED LUTZ</b>	<b>YES</b>
	<b>CHUCK KYLE</b>	<b>YES</b>
	<b>BOB OWENS</b>	<b>YES</b>

**ADJOURNMENT:**

**A MOTION WAS MADE BY Mr. FRED LUTZ, SECONDED BY Mr. BOB OWENS, AND CARRIED, TO ADJOURN THE MEETING AT 8:15 P.M.**

Respectfully submitted,

Cheryl Cherico  
Planning Commission Recording Secretary