

**NORTH FAYETTE TOWNSHIP
PLANNING COMMISSION**

**REGULAR MEETING
TUESDAY, JUNE 16, 2015
7:30 P.M.**

The meeting was called to order with Chairman David Cosnek presiding.

MEMBERS PRESENT:

David Cosnek, Chairman
Charles Kyle, Vice Chairman
Bill Fitzgerald, Board Member
Fred Lutz, Board Member
Bob Owens, Board Member
Tom McDermott, Township Solicitor
Shawn Wingrove, EIT
Robert Grimm, Township Manager
Patrick Conners, Community Development Intern
Cheryl Cherico, Recording Secretary

MEMBERS ABSENT:

Laura Ludwig, Township Community Development Director

OTHERS PRESENT:

John Smoker, Machin Engineering Co.
Kurt Meeske, Clover Group
Mark Schmidt, Hampton Technical Engineering
Ed Bashioum, 7402 Steubenville Pike
Joyce Bashioum, 7402 Steubenville Pike
Bill O'Leary, 239 Mahoney Rd.
Mary O'Leary, 239 Mahoney Rd.
David LaPearle, PVE Sheffler
Zachary Hess, 45 Everly Lane
Wayne Hess, 45 Everly Lane

UNFINISHED BUSINESS:

Mr. Cosnek called for a motion to approve minutes from the May 19, 2015, meeting.

A motion was made by Mr. Chuck Kyle, seconded by Mr. Fred Lutz, to approve the minutes from the May 19, 2015, meeting. Motion carried.

NEW BUSINESS:

1. Application 2015-06 – Steubenville Senior Residential Development (Resubmittal) – Application for preliminary and final residential land development filed by Lancaster Land LP/ Clover Group involving the construction of a three-story, garden apartment building for seniors ages 55 and over on 10.19 acres of land located at 7430 Steubenville Pike in a B-2 General Business Zoning District (Allegheny County Lot and Block # 496-A-1).

Mr. Cosnek asked a representative to approach the Board.

Mr. Schmidt approached the Board. He said they have been working with the township over the past month to resolve the issues with the Township and the township engineer. He brought with him paper copies of some of the items that he previously transmitted to the township such as the infrastructure demand statement, results of the infiltration testing and the Phase One Environmental Study. He said he wanted to go through the items from Lennon Smith Souleret's review letter one by one to provide an update.

Mr. Schmidt said the first item was discussed at the last meeting concerning the existing trees and the variance that was obtained. He said he understands the township's position that the Zoning Hearing Board created a condition that they have to live with and he said they will abide by that decision. He said they have located the trees and what they most likely will do is make a follow up visit to the Zoning Hearing Board at a later date to ask if they will amend that decision to allow the applicant to count those existing trees. He said for now, they will go forth as approved at this time.

Mr. Schmidt said item two just requires a PennDOT permit. He said he has a copy of the actual highway occupancy plan which is to be submitted and approved by the PennDOT to meet the site distance requirements and things like that. He said item three talks about the site distance. He said the reason he brought the HOP plan with him is because it shows the site distance requirements for a 35 mph speed limit as 249 feet and their plan shows the site distance as 330 feet. He said item 4 makes mention of a previously approved variance that they have and a little discrepancy with the number of units. He said it was inadvertently listed as 128 units when they labeled the building and that has been changed to 126 units on this plan. He said it was a minor technicality that they have adjusted. Item 5 talks about the required additional 10' buffer in regards to the Bashioum property. He said his understanding is that there is an agreement although not officially in place. He said they have provided exhibit plans to Mr. Bashioum and he has agreed that they are conceptually good with what they are trying to do there. He said what they are doing is providing the required planting on the property, Mr. Bashioum is providing them with a 5' easement over one portion and a 2' easement over another portion. In exchange for those easements, he said they are giving Mr. Bashioum the triangle of land which is essentially a portion of his yard where he has his shed and some bushes. He said in trying to be a good neighbor, they are working with Mr. Bashioum.

Under final subdivision, Mr. Schmidt said Mr. Meeske has initiated contact with the township to get the ball rolling on the developer's agreement. He said they previously transmitted the infrastructure demand statement and provided hard copies this evening. He said it is a simple statement saying how many people, how much sewage and how much water. As for the NPDES Permit, he said it is pending and copies of that have been provided to the township. He said the planning module is sort of the same situation that the paperwork has been submitted to the

various agencies and is working its way through the process. Mr. Schmidt said they have requested a waiver on the sidewalks to provide a fee in lieu of constructing a sidewalk along Steubenville Pike. He said they requested the modification due to the topography as the steep slope starts right at the edge of the berm and runs right up with utility poles at the top. He said the township engineer has reviewed the estimate they submitted and he believes it was acceptable.

Under grading, Mr. Schmidt said he believed they had provided all of the documents that the township needed. He said the only thing that was lacking was cross sections and they have since provided two pages of cross sections. He said they will obtain a grading permit before the actual excavation process starts.

Under stormwater management, Mr. Schmidt said item number one requires that the township be a co-applicant with the developer for the stormwater connections since the stormwater pond would be draining to the existing system. He said that is another third party permit that they are in the process of obtaining. He said there would need to be an agreement between the developer and the township with a fee established to cover the township's expenses and then that would be submitted to PennDOT for review. For Item No. 2, plans and profiles, Mr. Schmidt said they have provided plans and profiles of all storm sewers and are in the process of providing a profile of the bioretention system.

Mr. Schmidt said Item No. 3 under stormwater management is rather lengthy and basically gets into some technical issue with the stormwater management. He said basically there are two components to the stormwater management plan, one is a water quality component and the other is a flood mitigation component. He said they are allowed to count both together if the detention system drains within 24 hours. He said they have provided through the infiltration testing, information that both systems will drain in less than 24 hours. He said the township engineer was asking that they revise portions of that report to coincide with those calculations. He said Item No. 4 makes mention that they used an 80 percent release rate for Subshed 13. He said it is a small area where 100 percent release rate is allowed. He said the 80 percent release rate is less than what is actually allowed. He said they can make that correction but as it stands now, it is more conservative than it actually needs to be. Mr. Schmidt said Item No. 5 deals with the discharge of the emergency overflow. He said there has been some discussion on the capacity of the inlet. He pointed to a drawing and said the discharge of this spillway kind of comes down to this inlet and they are going to create a sump condition where the inlet kind of sits in the bottom of a pit to get more flow to it. He said they are going to work with Mr. Wingrove on it. He said the worst case scenario would be that they need to add another inlet to allow more water to go into it. He said there is an existing storm sewer that they are discharging to and there is a point below their site where capacity is somewhat restricted on that flow. Under normal conditions, he said their total system would be discharging less than what goes to that system now. He said they are mitigating that situation which is already inadequate, but making it better. As for the emergency overflow, he said the township engineer asked them to provide a statement indicating that they would not adversely affect the properties below them. He suggested that he and Mr. Wingrove meet at the site to review so he would be satisfied in addition to issuing a statement.

Mr. Schmidt said the Stormwater Maintenance Agreement is a boiler plate document that is typically executed after approval. He said the Stormwater maintenance fund is sort of the same thing and would be taken care of. Finally, he said Item 8 was a note to be added to the plan and

that has been done. He said they have addressed all of the items and ask the Planning Commission for approval.

Mr. Cosnek asked if Mr. Grimm had anything to add from the Township.

Mr. Grimm said the Board has Ms. Ludwig's review comments. He said he knows Mr. Schmidt had been working closely with Mr. Wingrove over the last couple of days to address the outstanding issues. He said he had spoken to Mr. Bashioum earlier and he confirmed that they are moving in the right direction in terms of those issues so that looks favorable at this point.

Mr. Bashioum said yes, that was correct.

Mr. Grimm said other than the third party items that are the typical items that still need to be addressed, they are in good shape.

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

Ms. Ludwig submitted the following comments:

1. This is an application for preliminary and final residential land development filed by Lancaster Land LP/ Clover Group involving the construction of a three-story, garden apartment building for seniors ages 55 and over on 10.19 acres of land located at 7430 Steubenville Pike in a B-2 General Business Zoning District (Allegheny County Lot and Block # 496-A-1).
2. Lancaster Land, LP/ Clover Group is proposing to construct a 3-story garden style apartment building consisting of 126 individual units on the site of the former Hankey Farms ballfields.
3. The development, as proposed, will be an age-restricted (55+), affordable senior housing community. Based on my discussions with the applicant, the apartment building will be serviced by at least one elevator and will also have a library, community room, and hair salon for residents. A hair stylist would come in approximately three times per week for a certain number of hours each day to provide styling services to residents.
4. North Fayette Township's Comprehensive Land Use Plan, approved on April 22, 2014, identifies senior housing as a need within the community. Many seniors currently living in North Fayette are looking to downsize and sell their homes but want to remain residents of the community. These folks have limited options in the current housing market. The proposed affordable senior housing community would provide for-rent units that could meet the housing needs of several existing senior citizens in the community. The location along Steubenville Pike is ideal as it will be close to various services and amenities along the Pike and in the Tonidale and Pointe at North Fayette Shopping Areas.
5. The applicant applied for and was granted the following six variances from the Township's Zoning Hearing Board on Thursday, April 23, 2015. A copy of the ZHB's decision letter is enclosed. The applicant should add the list of variances granted, in a table, to the overall site plan for the project as well as on the landscape and parking plans as appropriate.

- **Off-Street Parking Variance** – The applicant must provide a parking ratio of 1.2 spaces per dwelling unit.
- **Units per Apartment Building** – The proposed garden apartments for seniors can have a maximum total of 126 units.
- **One Tree Per Dwelling Unit** – As per the landscape plan dated April 22, 2015, a total of 53 trees will be planted on site instead of the required 126 trees to satisfy this requirement.
- **Surface Parking Area Interior Landscape Islands** – The applicant can provide the proposed end cap islands as shown on the landscape plan dated April 22, 2015.
- **Shade Trees in Surface Parking Areas** – The applicant can install plantings as outlined in the April 22, 2015 landscape plan.

NOTE: The balance of plantings that should have been provided on-site must be coordinated for another location in the Township and the applicant agreed to plant other trees at specific sites identified in the Township to help meet these requirements.

6. The Conditional Use for the Garden Apartments was approved, with conditions, by the Township Board of Supervisors at the April 28, 2015 Board meeting.
7. The applicant’s engineer provided a trip generation summary noting that an estimated total of 32 vehicles would enter and exit the proposed development during PM peak hours.
8. In regard to the required bufferyards, an additional 10 foot bufferyard should be added along the Bashioum property, as that is a residential lot. Mr. Bashioum’s property is zoned B-2 General Business. However, the use is a legal, non-conforming single-family residence. In regard to the bufferyard requirements, Table 27-5 in the Zoning Ordinance outlines these requirements. The language in that table is centered around zoning districts and not specific uses within a district. Thus, since the Bashioum’s property is a residential lot in a B-2 zone, Bufferyard B would be required. This is how we have always interpreted that section of the ordinance. Since the homes along Palomino are in a residential zone, Bufferyard A is required on that side. The additional 10 foot buffer should be added along the Bashioum property per the conditional use criteria for garden apartments, which states:

“Bufferyards between a garden apartment development and any other adjacent residential lot shall be increased by 10 feet in addition to the Township’s required bufferyard width. Landscaping, within this additional width, shall be provided according to spacing, quantity and type of plants specified by the Township Planning Commission.”

To my knowledge, the applicant and Mr. Bashioum are still outlining the details of a potential lot line relocation which would also include a 5 foot easement to arrive at the full 10 foot additional bufferyard that is required. An update on that easement and lot line relocation is needed and any recommended approvals of the current plan as shown should be conditioned upon this easement being established.

9. Per concerns raised at previous meetings, the applicant has added another form of ingress and egress through an emergency only access drive. This is still pending approval by PennDOT as Steubenville Pike is a state roadway.
10. At last month's meeting, the applicant brought up the possibility of using existing trees in the rear undisturbed three acres of the site to count towards their overall tree count. The ZHB's decision on the trees noted that the difference in the amount provided on site and required should be placed elsewhere in the Township up to the Township's discretion. It is my thought that if they wanted to take account for these existing trees, it should have been brought up at the ZHB hearing. We must enforce what is written in the ZHB's decision and it was communicated that those trees would be planted elsewhere in the Township, perhaps at the new Community Center or the Municipal Complex. This would be a tax deductible donation and a plaque could be provided noting the donation.
11. At last month's meeting, the applicant requested a waiver from the sidewalk requirement in the Township's Subdivision and Land Development Ordinance, Section 404.2.B. They will be required to pay a fee-in-lieu for this for the actual cost of construction, as reviewed and approved by the Township Engineer.
12. There are still several outstanding items to be addressed, including results of the stormwater infiltration testing, the preparation and submittal of a Phase One Environmental Study (which has been completed but not submitted), and the resolution of the above summarized bufferyard issue and tree count issue.
13. Third-party pending items include the review and approval of the E&S plans from the Allegheny County Conservation District, the review and approval of the sewage planning facilities module by PA DEP, HOP permit from PennDOT for the access drive, and the co-application between the applicant and the Township for the stormwater HOP permit from PennDOT.
14. Per the applicant's request, the Township Solicitor and Community Development Director will begin to work with them on the required drafting of the Developer's Agreement and Stormwater Maintenance Agreement.
15. Refer to any comments from the Township Engineer per LSSE's letter dated June 11, 2015.
16. Refer to any comments from the Township Solicitor.

At this time, there are still several pending items including the Phase One Environmental Study, tree count issue, the bufferyard along the Bashioum property, and the submission and review of the stormwater infiltration testing results. Should these items be resolved prior to the meeting on Tuesday, the Planning Commission could consider, if it feels comfortable, a conditional approval contingent upon all items being addressed in LSSE's review letter dated 6-11-15 and this review letter. If that is the case, the Planning Commission would also need to make a motion on the waiver of Section 404.2.B. of the SALDO re: the sidewalk.

However, at this time, Ms. Ludwig recommended that the Planning Commission reject the application as administratively incomplete. The applicant can resubmit no later than Tuesday, July 7th for July's Planning Commission meeting to be held on Tuesday, June 21st at 7:30pm.

Mr. Wingrove made the following comments:

We have completed our review of the above referenced Land Development application documentation, prepared by Hampton Technical Associates, Inc., as received by our office June 16, 2015, via email. The plan proposes construction of a 3-story senior housing development including associated parking and stormwater facilities. The property is located at 7430 Steubenville Pike, and is Zoned B-2 – General Business.

Previous Comments may be found in our letters dated June 11, 2015 and May 12, 2015.

The following listing presents unresolved/non-compliant items identified during review that do not conform to the Township of North Fayette's Zoning Ordinance (No. 418, Chapter 27), Subdivision and Land Development Ordinance (Chapter 22) and Stormwater Management Ordinance (Chapter 19):

Zoning

1. The Ordinance requires at least one deciduous tree be planted for each dwelling unit. (Section 207.1.D.) **Previous Comment:** *The plan proposes 53 trees, where 128 are required. A Variance has been requested to reduce the required plantings to 53. A notation of granted Variances should be added to the plan.* **Status: The applicant has provided an inventory of the existing mature trees located in the undisturbed portion of the subject lot and requested that these trees be preserved in place of planting additional trees elsewhere in the Township, per the Zoning Hearing Board decision.**
2. The Ordinance requires access drive entering State highways are subject to issuance of a Highway Occupancy Permit, issued by the Pennsylvania Department of Transportation. (Section 303.D.) **Previous Comment:** *Provide documentation that the HOP has been issued for the proposed driveway entrance. Additionally, provide documentation that an HOP has been issued for the proposed utility work in the PennDOT right-of-way.* **Status: Item outstanding.**
3. The Ordinance requires adequate sight distance be provided for each driveway. (Section 306.4.) **Previous Comment:** *Indicate the required and provided sight distance at the connection of the new driveway to Steubenville Pike.* **Status: No change.**
4. The Ordinance requires the maximum number of units per building not exceed 24. (Section 703.B.(5).) **Previous Comment:** *The plan proposes a 128 unit building. The applicant has requested a Variance for relief from this Ordinance requirement. A notation of granted Variances should be added to the plan.* **Status: The Variances granted shown on the Cover Sheet states that no more than 126 units will be provided. However, the tabulation shown on the plans provides 128 units.**

5. The Ordinance requires bufferyards between a garden apartment development and any other adjacent residential lot be increased by 10 feet in addition to the Township's required bufferyard width with landscaping as specified by the Planning Commission. (Section 703.B.(10).) **Previous Comment:** *The additional 10' width buffer has not been included on the plan along the Bashioum property.* **Status: The applicant has indicated that they are working with the adjacent property owner to acquire an easement to serve as the additional buffer. Pending.**

Final Major Subdivision

1. The Ordinance requires the Developer execute a Development Agreement. (Section 209.) **Previous Comment:** *The Developer should contact the Township to initiate the preparation of the Development Agreement.* **Status: Pending.**
2. The Ordinance requires an infrastructure demand statement be provided. (Section 314.) **Previous Comment:** *Not provided.* **Status: An infrastructure demand statement has been received, however, it does not include all of the information required by Ordinance.**
3. The Ordinance requires the erosion and sedimentation control plan be filed with the Allegheny County Conservation District. (Section 318.) **Previous Comment:** *Documentation that the Soil Erosion and Sedimentation Control Plan has been reviewed, deemed adequate by the Allegheny County Conservation District (ACCD), and that the NPDES Permit has been issued have not been provided.* **Status: Pending.**
4. The Ordinance requires that each lot be served by public sanitary sewers approved by the PADEP (Section 402.). **Previous Comment:** *Provide documentation that a sewage facilities planning module has been approved for the site.* **Status: Pending.**
5. The Ordinance requires sidewalks be provided for all major land developments. (Section 404.2.B.). **Previous Comment:** *Sidewalks have not been provided along Steubenville Pike.* **Status: The Developer has requested to pay fee in lieu of constructing a sidewalk along Steubenville Pike.**

Grading

1. The Ordinance requires submission of a grading permit application. (Section 103.1.). **Previous Comment:** *Not provided.* **Status: Item outstanding.**

Stormwater Management Ordinance

1. The Ordinance requires review by the Department of Transportation in cases where stormwater management facilities front on an existing State highway. (Sections 301.2.D.) **Previous Comment:** *The plan proposes connection to the existing storm sewer system within the S.R. 3066 right-of-way. PennDOT will require the Township to be the co-applicant for the HOP permit. An agreement must be executed between the Developer and the Township for submission of the HOP application. An escrow will be required as part of the agreement. Once the agreement is executed, a complete HOP*

application package should be provided to the Township for submission to PennDOT.
Status: No change.

2. The Ordinance requires plans and profiles of all storm sewers be provided. (Section 403.C.(2).) **Previous Comment:** *Profiles of the proposed storm sewers have not been provided. Include a scale profile of the bioretention area including the manhole outlet structure. Include on the profile the hydraulic grade line and provide supporting calculations.* **Status:** **A scaled profile of the bioretention area showing the tanks and outlet structure has not been provided. The plan proposes installation of the weir plan at the same elevation as invert of the rain garden, with the top elevation of the outlet structure manhole lower than the peak storage elevation of the facility. Provide hydraulic grade line information demonstrating the facility will function as proposed.**
3. The Ordinance requires the maximum rate of runoff is no greater after development than prior to development activities and also requires control of post-construction stormwater impacts and compliance with state water quality requirements through BMPs including replication of pre-construction stormwater infiltration conditions. (Sections 502.A.(1). and 804.C.) **Previous Comment:** *The bioretention area and infiltration basin make use of the same capacity to address both rate controls and volume controls. If the area below the bottom orifice in each facility is to be used to address the 2-year volume increase and does not dewater within 24 hours, it should not be used in the routing calculations for rate control. Provide dewatering calculations using field measured infiltration rates for each BMP if this capacity is to be used to address both peak rate control and volume reduction.* **Previous Comment:** *The Drainage Area names in the narrative, summary table and plan do not correspond to each other. The narrative identifies Area DU-2A as tributary to Montour Run, however the plan, calculations and summary table call this drainage area DU-1. Additionally, the POI names on the plan do not match the report. The plan still makes use of the same capacity for both rate and volume controls. Assumed infiltration rates indicate this capacity will dewater in greater than 24-hours. Provide revised calculations upon completion of infiltration testing.* **Status:** **Infiltration rate testing confirming the volume control capacity will dewater in less than 24 hours has been provided. The applicant should provide a complete revised report reflecting these values and addressing the naming discrepancies previously noted.**
4. The Ordinance requires application of the release rate percentage for each subshed in the Montour Run watershed. (Section 503.A.(2).) **Status:** **The report has been revised to indicate an 80% release rate for Subshed 13. Subshed 13 has a 100% release rate. Revise the report accordingly.**
5. The Ordinance requires the discharge of stormwater be to a well-defined drainage course. (Sections 801.G) **Previous Comment:** *The plan proposes discharge of the emergency spillway to the S.R. 3066 right-of-way.* **Status:** **The response letter indicates that the emergency spillway discharges to an inlet in a sump condition. Calculations demonstrating the inlet can collect the 100-year flow have not been provided. Additionally, the calculations for the existing S.R. 3066 storm sewers indicate a full flow capacity of 20.28 cfs for the first segment of existing pipe downstream of the proposed inlet. As such the conveyance system does not have capacity for the 100-**

year flow. The applicant's consultant should provide a statement indicating no adverse effect will be created to downstream properties as a result of the spillway.

6. The Ordinance requires a Stormwater Maintenance Agreement be signed and recorded. (Section 803.3.A.) **Previous Comment:** *A copy of the signed and recorded Stormwater Maintenance Agreement has not been provided. The applicant should contact the Township Solicitor regarding the agreement.* **Status: Pending.**
7. The Ordinance requires payment to the Stormwater Facility Maintenance Fund for privately owned and maintained facilities. (Sections 803.4.1.a., and 902.3.) **Previous Comment:** *Not provided.* **Status: Pending.**
8. The Ordinance requires provision of a copy a recorded Post Construction Stormwater Management Plan record drawing. (Sections 805.) **Previous Comment:** *The applicant should note the requirement for provision of a recorded PCSM record drawing prior to issuance of an occupancy permit.* **Status: No change. The applicant's response states that a note has been provided on Sheet C.452; however, the note regarding the PCSM plan has not been 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 (Chapter 27), Subdivision and Land Development Ordinance (Chapter 22) and Stormwater Management Ordinance (Chapter 19). Additional comments may be made and we reserve the right to comment further pending submission of revised plans.

Mr. Wingrove said Mr. Schmidt did a pretty good job of running through Lennon Smith's concerns. He said as far as the zoning and subdivision review, they are down to mostly administrative items. As for stormwater, there are some revised calculations needed for the emergency spillway and fire retention area. He said at this point, they have shown with the big picture that the system works and they have addressed the concerns as to the functioning of the stormwater management plan.

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

A MOTION WAS MADE BY Mr. CHUCK KYLE, SECONDED BY Mr. FRED LUTZ, AND CARRIED, TO RECOMMEND APPROVAL TO THE BOARD OF SUPERVISORS FOR A WAIVER REQUEST TO PAY A FEE IN LIEU OF SIDEWALK CONSTRUCTION IN THE AMOUNT OF THE ACTUAL COST OF CONSTRUCTION AS REVIEWED AND APPROVED BY THE TOWNSHIP ENGINEER.

ROLL CALL:	CHUCK KYLE	YES
	BILL FITZGERALD	YES

FRED LUTZ	YES
BOB OWENS	YES
DAVE COSNEK	YES

Mr. Cosnek asked for a motion on the application.

A MOTION WAS MADE BY Mr. FRED LUTZ, SECONDED BY Mr. BOB OWENS, AND CARRIED, TO RECOMMEND APPROVAL TO THE BOARD OF SUPERVISORS FOR PRELIMINARY AND FINAL RESIDENTIAL LAND DEVELOPMENT CONTINGENT UPON ALL OUTSTANDING COMMENTS OF THE COMMUNITY DEVELOPMENT DIRECTOR’S REVIEW LETTER DATED JUNE 12, 2015, AND THE TOWNSHIP ENGINEER’S REVIEW LETTER DATED JUNE 16, 2015, BEING ADDRESSED.

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

- 2. Application 2015-11 – Pointe West / Preserves Phase 12B** – Application for preliminary and final subdivision and residential land development involving the creation of 19 lots on 7.123 acres of land located along Dupont Drive in the R-3 Medium Density Residential Zoning District (Allegheny County Lot and Block # 584-C-75).

Mr. Cosnek asked for a representative to approach the Board.

No representative was in attendance.

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

Ms. Ludwig submitted the following comments:

1. This is an application for preliminary and final subdivision and residential land development involving the creation of 19 lots on 7.123 acres of land located along Dupont Drive in the R-3 Medium Density Residential Zoning District (Allegheny County Lot and Block # 584-C-75).
2. There are several items that need to be clarified with the applicant from a paperwork standpoint, including waiver requests and stormwater management related items. For example, the applicant may request waivers from certain subdivision requirements that are outlined in the Township’s Subdivision and Land Development Ordinance (SALDO), Chapter 22 of the Township’s Code of Ordinances, Ordinance No. 418. For Phase 14 of the development, which was approved in late 2014, waiver requests were requested and granted from Section 22-307 - Phase One Environmental Assessment, Section 22-504.3.C. - Roadway Vertical Curve Minimum Length, and Section 22-504.4.B. - Cul-De-Sac Length.

The applicant should submit a detailed list of any waiver requests for Phase 12B and reasons to warrant the requests for our review and comment.

3. Refer to any comments from the Township Engineer per LSSE's review letter dated June 3, 2015.
4. Refer to any comments from the Township Solicitor.
5. The Planning Division of the Allegheny County Department of Economic Development did receive a copy of the application. To date, we have not received any comments from them.
6. 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 final subdivision and land development application filed by Pointe West LP for Phase 12B is incomplete and missing several items, including stormwater management related items. I recommend that the Planning Commission reject the application as administratively incomplete. The applicant's resubmittal is due by July 7th for the July 21st meeting.

Mr. Wingrove made the following comments:

We have completed our review of the above referenced Residential Land Development Plan, dated May 2015, prepared by Wind Ridge Engineering Co., as received by our office May 21, 2015. The subdivision plan proposes the creation of 19 single-family residential lots. The properties are located along Dupont Drive, and are Zoned R-3 – Medium Density Residential 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), Subdivision and Land Development Ordinance (Chapter 22) and Stormwater Management Ordinance (Chapter 19):

Zoning

1. The Ordinance requires a minimum side yard setback of 10'. (Section 205.3.A.) **Status: The Recording Plan shows the required 10' setback, however, the site plan shows an 8' side building yard setback.**
2. The Ordinance requires one deciduous tree per dwelling unit. On single-family lots the tree must be planted in the front yard no closer than 15-feet from the right-of-way line. (Section 207.D.) **Status: The detail on Sheet ES-4 identifies a 12-foot minimum distance between the right-of-way line and tree.**
3. The Ordinance does not allow erosion. (Section 909.) **Status: Documentation that the Soil Erosion and Sedimentation Control Plan has been reviewed, deemed adequate by the Allegheny County Conservation District (ACCD), and that the revision to the existing NPDES Permit has been issued for Phase 12B have not been provided.**

Preliminary and Final Major Subdivision

6. The Ordinance requires a Completion Bond for the proposed improvements. (Sections 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 Completion Bond amount.**
7. The Ordinance requires the Developer execute a Development Agreement. (Section 209.) **Status: The Developer must contact the Solicitor to initiate the preparation of the Development Agreement.**
8. The Ordinance requires a phase one environmental assessment. (Section 307.) **Status: Not provided.**
9. The Ordinance requires an infrastructure demand statement be provided. (Section 314.) **Status: Not provided.**
10. The Ordinance requires that construction plans conform to the Township Minimum Construction Standards. (Section 316.A.) **Status: The Sheet Index located on the Title Page states that the Construction Details are located on Sheets 4-5. However, Sheets 4-5 have not been provided as part of the full-size submittal. These Sheets are included in the half-size submissions. Please provide a complete full size drawings set.**
11. The Ordinance requires the erosion and sedimentation control plan be filed with the Allegheny County Conservation District. (Section 318.) **Status: Documentation that the Soil Erosion and Sedimentation Control Plan has been reviewed, deemed adequate by the Allegheny County Conservation District (ACCD), and that the revision to the existing NPDES Permit has been issued have not been provided.**
12. The Ordinance requires roadway vertical curves have a minimum length of 250 feet. (Section 504.3.C.) **Status: The plan proposes a vertical curve of 100 feet.**
13. The Ordinance requires temporary cul-de-sacs be constructed to the same standards as required for permanent cul-de-sacs. (Section 504.4.D.) **Status: An easement for a temporary cul-de-sac has been provided, however construction of the cul-de-sac is not noted on the site plan. The temporary cul-de-sac must be installed and paved to the same standards as a permanent cul-de-sac.**

Grading

1. The Ordinance requires submission of a grading permit application. (Section 103.1.) **Status: Not provided.**

Stormwater Management

1. 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 the status of issuance of any required permits for the proposed stream crossing and provide documentation of permit issuance upon receipt.**

2. The Ordinance requires all calculations and criteria for the design of stormwater management facilities be provided. (Section 402.C.(13).) **Status: Calculations have not been provided for the proposed storm sewers for Phase 12-B. The stormwater plans and calculations located on Sheets P-1 to P-3 are for Phase 14.**
3. The Ordinance requires the project specifications relative to the proposed stormwater management controls be provided. (Section 402.C.(13).) **Status: Provide a detail for the outlet structure of the proposed stormwater management facility and clarification of the proposed operation of the structure.**
4. The Ordinance requires all calculations, assumptions and criteria used in the design of the storm sewer system, including hydraulic and energy gradelines for the storm sewers. (Sections 403.C.(1).) **Status: Calculations have not been provided for the proposed storm sewers or swales for Phase 12-B. The stormwater plans and calculations located on Sheets P-1 to P-3 are for Phase 14.**
5. The Ordinance requires the maximum rate of runoff is no greater after development than prior to development activities and also requires control of post-construction stormwater impacts and compliance with state water quality requirements through BMPs including replication of pre-construction stormwater infiltration conditions. (Sections 502.A.(1). and 804.C.) **Status: The plan proposes use of an existing sediment basin for stormwater management. Provide a complete stormwater management report demonstrating that the basin can address the rate, quantity and quality of runoff per Township Ordinance and State Water Quality Requirements. Also, roof drains from Lots 1206, 1207 and 1221-1224 are connected to the storm sewer conveyance system in Phase 12A. Provide documentation that impervious area for these lots was accounted for in the stormwater management facilities for previous phases.**
6. The Ordinance requires that all detention facilities with water depths greater than 2 feet be fenced. (Section 601.2.D.(4).) **Status: A fence has not been provided for the existing Sediment Basin 12-1. The plan proposes use of the Basin as a permanent stormwater management facility, therefore a fence is required.**
7. The Ordinance requires that all detention facilities be equipped with an access road at least 15' wide with a maximum grade of 15%. (Section 601.2.D.(7).) **Status: The access road has not been identified on the site plan for the existing Sediment Basin 12-1. Also, please provide a detail for the proposed access road.**
8. The Ordinance requires a Stormwater Maintenance Agreement be signed and recorded. (Section 803.3.A.) **Status: A copy of the signed and recorded Stormwater Maintenance Agreement has not been provided. The applicant should contact the Township Solicitor regarding the agreement, if an agreement for the facility serving the subject Phase has not already been executed.**
9. The Ordinance requires payment to the Stormwater Facility Maintenance Fund for privately owned and maintained facilities. (Sections 803.4.1.a., and 902.3.) **Status: Not provided.**
10. The Ordinance requires provision of a copy a recorded Post Construction Stormwater Management Plan record drawing. (Sections 805.) **Status: The applicant should note the**

requirement for provision of a recorded PCSM record drawing prior to issuance of occupancy permits.

The plans have been reviewed for conformance to the Township Ordinance standards for a Preliminary Major Subdivision Plan Application 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), Subdivision and Land Development Ordinance (Chapter 22) and Stormwater Management Ordinance. Additional comments may be made, and we reserve the right to comment further pending submission of revised plans.

Mr. Cosnek asked if Mr. Grimm had anything to add from the Township.

Mr. Grimm said the Township recommended the Planning Commission reject the application as administratively incomplete.

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

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

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

- 3. Application 2015-12 – O’Leary Plan of Lots** – Application for preliminary and final minor subdivision involving a lot line relocation on 5.62 acres of land located at 239 Mahoney Road in the R-3 Medium Density Residential Zoning District (Allegheny County Lot and Block #s 590-K-71 and 590-K-70).

Mr. & Mrs. O’Leary and Mr. LaPearle approached the Board.

Mr. LaPearle said essentially the O’Leary’s live adjacent to the Zitko’s and they want to buy a sliver of land on their common line. He said the drawings have been prepared and submitted. As for the review comments, he said the issue of the relatively minor lot line issue is fairly simple and not that complicated. He said the odd situation that popped up during the course of the survey is that his firm feels there is a small overlap of land on the extreme opposite end of the Zitko property. He said it is at the extreme opposite end of the portion of property that is involved in the lot line relocation. He said it would appear that Lennon Smith and or Ms. Ludwig review letters are potentially suggesting that the overlap situation should be resolved or remedied as part of this subdivision process. He said Mrs. O’Leary has had a recent meeting

with the affected land owners and he asked her to explain what has been suggested between the affected landowners on the overlap issue of the deeded cause of the property.

Mrs. O'Leary said Mrs. Zitko owns a small piece at the bottom of her property. She said that is on the record as belonging to the people across the road, the Holmes family. She said when the road was put in it was put through their property which was another owner at the time. She said it was years ago in the early 1970s when the Zitko's built their house and it was more or less a gentlemen's agreement that it was no problem to put the driveway in on that little portion of their property. She said nothing was ever recorded. There is also a little piece that is beside the Zitko's that Ray Frambaugh in the next house has an easement from the people across the road which are now the Holmes. She said she talked to Mrs. Zitko and Mrs. Holmes. She said she and Mrs. Zitko met with a lawyer in Oakdale and he thought the best course of action would be to get an easement for the piece that Zitko's are using. She said Mrs. Zitko and Mrs. Holmes are in agreement to do an easement to take care of that little stretch of their property which is the overlap that Mr. LaPearle was talking about. As long as this resolution is okay with everybody, they will get the lawyer to do the agreement and get the easement recorded. She asked if that explained it.

Mr. McDermott said she explained it very well.

The Board agreed with Mr. McDermott.

Mr. McDermott said if he understands it correctly, one of the overlaps has already been taken care of by an easement.

Mrs. O'Leary said yes.

Mr. McDermott said that was great. He said they had talked about this and were speculating that maybe the best way to take care of this was with a bunch of cross easements. He said if they would get into trying to fix all of the subdivision stuff then it kicks in surveyors and the whole nine yards, where this could all be fixed with easements. He said they were looking at whether it had to be fixed at all, not because the Township wished to make them fix it, but the county was questioning whether they would even accept the filing without fixing it. He said an easement takes care of everything.

Mr. Fitzgerald said essentially, the plan that she submitted is no longer the plan. He said they would go back and create a new plan with the easements on it and moving the property line.

Mr. McDermott said they need to talk with Mrs. O'Leary's lawyer to figure out the logistics of how to do the easements and get that recorded. He said the question is still on the county side as far as whether they would take an overlapping problem.

Mr. Fitzgerald said if they call it an easement, then it would erase that, correct?

Mr. McDermott said the easement should fix the ownership issue legally, it doesn't fix per se that there are overlapping deeds. He said there are two different deeds that claim the same ground. He said that doesn't get fixed by the easement; but if the ownership issue gets fixed by

everybody saying what's yours is yours and what's mine is mine through the easement, it would be easier if the county would accept that.

Mr. LaPearle said the Zitko's have no access to their home without some resolution on that property.

Mr. McDermott said frankly in his opinion, they do. He said they obviously have a right to get from the street to their property. He said they are basically fixing on paper what he believes is a reality.

Mr. Kyle said it is actually deeper than that. He said it's not just that the Zitko's agree that they don't have ownership to this; there are deeds that say they have ownership and that is what's in dispute. He said nobody is really sure who does in fact own it at this point.

Mr. McDermott said a survey is not always perfect. He said as the world is surveyed there is a lot of this and it will continue to be that way until they can get perfect GPS. He said there will always be discrepancies because a survey is just an attempt to mark what is really on the ground.

Mr. LaPearle said they attempted on the actual subdivision plan to show the potential area of overlap and actually brought it forth in the course of preparing the survey so they would be forthright and everybody agree that there is something wrong with the property records there. He said the deed descriptions do in fact overlap and they have attempted to plot that as best as they could. He said if the Board doesn't have a copy of the survey in front of them, he could bring it up to the table to show them the area they are discussing.

The Board said it wasn't necessary, they did understand.

Mr. McDermott asked Mr. Wingrove if any revised plan would need to be drawn and just show the actual real easements once they are recorded.

Mr. Wingrove said that was correct.

Mr. McDermott said his plan would be to proceed with contacting the county as he was asked to do to find out if they would stop the recording without fixing it. If that is the case, would they accept the easement fix as a way to get it through the process.

Mr. Fitzgerald said as it is now, they don't have the easement fix down on paper. He said they should proceed with getting that on paper and then they can proceed with the subdivision plan.

Mr. Kyle asked if it would be possible to continue this application.

Mr. McDermott said it would be the same plan, they would just be revising it to note the easements. He said they have already shown the overlap portions. He said it could be tabled or the Board could recommend approval subject to the applicant fixing the overlap before it would go to the Board of supervisors. Either way, he said that triangle space would stay the same, it would just have different descriptions that go on the tweaked plan to show who is getting what in the easements and that could be handled with notes and easement references.

Mr. Wingrove said yes, so long as the county says it would be acceptable.

Mr. Grimm said his feeling about it was until they have the answer from the county on whether or not they would record the plan, out of an abundance of caution, to recommend tabling it. He said he didn't want to add confusion to the approval if they would have to come back and do something else.

Mr. Fitzgerald said that made perfect sense. He said if they are going to tweak their plan and go that direction that's fine, but at least let them figure that out first. If the county says they aren't going to accept it, he said they are back to square one. He said they can proceed with their plans to adjust it, the Township can check into whether the county will record it and then it should be good.

Mr. Grimm said there is no issue with the lot line adjustment/relocation, it is just making sure that the plan that is submitted can be approved by the county.

Mr. LaPearle said the O'Leary's part of the lot line adjustment doesn't affect any of that.

Board members and Mr. Grimm said they agree with that.

Mr. Grimm said for the applicant's sake, they want to be able to submit a plan that can actually be recorded.

Mr. McDermott said they do agree with Mr. LaPearle that it has nothing to do with the lot line relocation on the other side of the property. He said his only concern is whether to county says no, they want it fixed now.

Mrs. O'Leary said she wasn't sure if the Board was aware that Mr. Zitko passed away several months ago, so Mrs. Zitko is going to want to sell her property so getting this resolved will help her as well.

Mr. Grimm said at the end of the day, this will help everyone involved.

Mrs. O'Leary said she accidentally opened a can of worms.

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

Ms. Ludwig submitted the following comments:

1. This is an application for preliminary and final minor subdivision involving a lot line relocation on 5.62 acres of land located at 239 Mahoney Road in the R-3 Medium Density Residential Zoning District (Allegheny County Lot and Block #s 590-K-71 and 590-K-70).
2. There is a boundary line issue on the subdivision plan provided. Specifically, at the eastern portion of the Zitko Lot (identified as Lot No. 2), there is a portion of land that is noted as being included in both the Zitko's deed and also as part of Holmes Parcel (590-F-1). It is noted on the plan that this may be an overlap of land records. The county's parcel maps

show the area in question to be a part of the Holmes parcel. While this boundary issue does not involve the direct area of the proposed lot line relocation, we do believe it best to determine the proper ownership of this portion of land prior to approving or recording the plan. The two main questions to need to be addressed are as follows: a. Does it exist?; and b. Must it be resolved for purposes of this subdivision plan approval? It is recommended that the applicant research the two deeds to determine what, if any, conclusions can be made regarding this issue.

3. Refer to any comments from the Township Engineer per LSSE's review letter dated June 3, 2015.
4. Refer to any comments from the Township Solicitor.
5. The Planning Division of the Allegheny County Department of Economic Development did receive a copy of the application. To date, we have not received any formal comments from them. We did reach out to them via email for comment on the potential boundary line issue with the Zitko and Holmes parcels. They stated there are several mechanisms at resolving this type of issue and could not recommend one option over another. They did suggest contacting the County Department of Real Estate – either Darren Gessler or Scott Wasielewski – to get their take on it. Per ACDED's suggestions, I recommend the applicant contact the Department of Real Estate for clarification.
6. 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 O'Leary Plan of Lots preliminary and final minor subdivision application involving a lot line relocation on Mahoney Road is complete. However, until the boundary issue is resolved or another conclusion can be made, I recommend that the Planning Commission table the O'Leary Plan of Lots application for minor subdivision/lot line relocation pending resolution of the aforementioned boundary issue.

Mr. Wingrove made the following comments:

We have completed our review of the above referenced Subdivision Plan Application, dated May 19, 2015, prepared by PVE Sheffler, LLC, as received by our office May 21, 2015. The plan proposes a lot line relocation between two existing lots. The properties are located at 239 Mahoney Road and 251 Mahoney Road, and are Zoned R-3 – Medium Density Residential 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):

Subdivision

1. The Ordinance requires the plan contain accurate boundary lines including dimension and bearings. (Section 315.A.) **Status: The plan notes conveyance of property from Mahoney to Zitko. This should be identified as O’Leary to Zitko.**

2. The Ordinance requires the plan contain accurate boundary lines including dimension and bearings. (Section 315.A.) **Status: The subdivision plan notes that there is a potential overlap of land records or an unresolved ownership issue between the northeasterly corner of the Zitko parcel and a depicted residual portion of the adjacent Holmes Property (590-F-1). The Allegheny County GIS Data Viewer shows this portion to be owned by Lawrence R. & Jamie L. Holmes (B/L No. 590-F-1). The applicant should provide a copy of the deeds for said properties highlighting the area of the overlap pointing out the discrepancies. Prior to recording of the subject subdivision plan the identified overlap must be resolved.**

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 the resolution of the above noted items.

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

A MOTION WAS MADE BY Mr. BILL FITZGERALD, SECONDED BY Mr. BOB OWENS, AND CARRIED, TO TABLE A RECOMMENDATION ON THE APPLICATION UNTIL THE OVERLAP ISSUE CAN BE RESOLVED.

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

4. **Application 2015-13 – Tonidale Plan of Lots** – Application for preliminary and final minor subdivision of one lot into two lots on 6.008 acres of land located at 7011 Steubenville Pike in the B-2 General Business Zoning District (Allegheny County Lot and Block # 412-M-1).

Mr. Cosnek asked a representative to approach the Board.

Mr. Smoker approached the Board. He said he realized this was not going to pass this evening because they don’t meet the 25’ buffer. He said they aren’t sure which way to go whether they should do a variance or a conditional use. He said he had been speaking to Ms. Ludwig before she went on vacation and she had been talking to Tim Bish, the solicitor from the Zoning Hearing Board. He said he believed they were going to go with a conditional use so they needed to get the application submitted for next month.

Mr. McDermott said he was also involved in the discussions with Ms. Ludwig and Mr. Bish and whether they are allowed to modify the bufferyard requirements and whether they needed to go to Zoning Hearing Board for a variance or some other means such as a modification of a conditional use. He said before that determination can be made, they need to determine whether they can achieve 75 percent of the plantings. He said there are dimensional rules and types of plants, but there are also rules to tell what you are not allowed to have. He said some of the items that are not allowed in the bufferyard are things such as lighting, accessory structures, driveways. He said those kinds of things can be modified under a conditional use. He said there is only a 25 percent modification that they can get. If they can't achieve the 75 percent then they would have to go to Zoning Hearing Board for a variance.

Mr. Smoker said he doesn't even know who is doing the land development plan at this point.

Mr. McDermott said they have an existing hotel site and from what he understands, they plan on cutting off a portion to create another parcel and doing a development plan in which they would build another hotel on that second site. He said the bufferyard they are talking about is not the bufferyard on the future site, it is the one on the present parcel. He said right now they have a real big excessive bufferyard, the whole side yard is a bufferyard. He said since they are severing that off, what remains now even though it is already developed would need to show that it has the proper bufferyard. He said that is why they are seeking a modification.

Mr. Cosnek said that is where the driveway comes into play.

Mr. McDermott said yes, that is why it pertains to the subdivision level as opposed to normally where the Planning Commission wouldn't see these things until the land development level. He said since they are severing off the side yard, they would need to reproduce the bufferyard that is required there.

Mr. Cosnek said the idea of the common driveway for the two makes perfect sense rather than have a second driveway put in there; however, the buffer creates the issue.

Mr. McDermott said he agreed that it made perfect developmental sense, but the Planning Commission doesn't have the power to grant that.

Mr. Fitzgerald said maybe the Board should give the applicant some time to think about how they want to proceed and reject the application.

Mr. Grimm said that would be his recommendation.

Mr. McDermott said they would be rejecting it anyway as incomplete.

Mr. Smoker asked if they would be going for a variance at this point or going for a Conditional Use.

Mr. McDermott said it depends on whether they could achieve the 75 percent mentioned previously.

Mr. Grimm said they could explain it a little bit more after the meeting.

Mr. Fitzgerald said this isn't the forum for this type of discussion.

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

Ms. Ludwig submitted the following comments:

1. This is an application for preliminary and final minor subdivision of one lot into two lots on 6.008 acres of land located at 7011 Steubenville Pike in the B-2 General Business Zoning District (Allegheny County Lot and Block # 412-M-1).
2. Section 206.1 of the Township's Zoning Ordinance, Chapter 27 of the Township's Code of Ordinances, Ordinance No. 418, requires a 25-foot Bufferyard B between the two lots. According to the Ordinance, no access drives, parking spaces, etc. are permitted in the bufferyard. Per the revised plan submitted on June 10th by Mackin Engineering, the proposed shared access drive and some parking area is located within the bufferyard. The applicant has two options to address this issue. If they want the plan to remain as shown, they will need to apply for a variance from the Township Zoning Hearing Board for the access drive to be located within the bufferyard. The other option would be to revise the plan to include an access drive in the front bufferyard, which is permitted per the Zoning Ordinance.

Note: Please verify with the Township Solicitor that this would be a variance from ZHB and not a conditional use deviation that would go through the Board.

3. When I initially met with the applicant, I advised them to look into acquiring the other two lots between their parcel and Bayer Road, which would make their parcel larger and easier to design and lay out from a land development standpoint. I still strongly suggest that they look into those options. Acquiring those parcels and consolidating them with the proposed Lot. No. 2, would give them more lot area for the proposed development of the lot. In regard to the municipal boundary line between North Fayette and Robinson, we believe the line as shown, which has it following the parcel lines, is correct. At least, this is what is reflected on our tax rolls. Both the hotel and the restaurant/ banquet facility have always been taxed as being solely in North Fayette. However, County Department of Real Estate records, available via the County Assessment Website, show the boundary line cutting through the Quality Inn. We do not believe that is accurate and agree with the line as shown.
4. Refer to any comments from the Township Engineer per LSSE's review letters dated June 1, 2015 and June 11, 2015.
5. Refer to any comments from the Township Solicitor, particularly regarding the conditional use deviation vs. variance issue for the access drive and parking area in the bufferyard.
6. The Planning Division of the Allegheny County Department of Economic Development did receive a copy of the application. To date, we have not received any formal comments from them.

7. 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, due to the need for either a variance or a conditional use deviation re: the bufferyard issue, the application is incomplete. I recommend that the Planning Commission reject the application as administratively incomplete, pending the resolution of this item.

Mr. Wingrove made the following comments:

We have completed our review of the above referenced Subdivision Plan Application documentation, dated May 15, 2015, last revised June 1, 2015, prepared by Mackin Engineering Company, as received by our office June 11, 2015. The plan proposes the subdivision of an existing property into two parcels. The properties have frontage along Steubenville Pike (S.R. 3066), and are Zoned B-2 – General Business District in North Fayette Township. The properties are located within both North Fayette Township and Robinson Township.

Previous comments may be found in our letter dated June 1, 2015.

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

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 Bufferyard B between all uses in the B-1 District. (Section 206.1) **Previous Comment:** *The proposed lot line results in the existing access drive, building and parking areas being located within the required 25-foot bufferyard area on Parcel No. 1.* **Status: No change. The existing access drive and parking areas remain in the required bufferyard area.**

Subdivision

1. The Ordinance requires proposed easements including locations, widths and purpose. (Section 302.M.) **Previous comment:** *An access easement for the ingress, egress and regress of Parcel No. 1 through Parcel No. 2 must be provided.* **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, does not conform to the Township of North Fayette’s Zoning Ordinance (Chapter 27), and Subdivision and Land Development Ordinance (Chapter 22) with the

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. Cosnek asked if anyone had any further comments or questions. Hearing none he asked for a motion on the application.

A MOTION WAS MADE BY Mr. BILL FITZGERALD, SECONDED BY Mr. FRED LUTZ, AND CARRIED, TO REJECT THE APPLICATION AS ADMINISTRATIVEY INCOMPLETE.

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

COMMENTS:

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

There were none.

ADJOURNMENT:

A MOTION WAS MADE BY Mr. CHUCK KYLE, SECONDED BY Mr. BOB OWENS, AND CARRIED, TO ADJOURN THE MEETING AT 8:10 P.M.

Respectfully submitted,

Cheryl Cherico
Planning Commission Recording Secretary