

**NORTH FAYETTE TOWNSHIP
PLANNING COMMISSION**

**REGULAR MEETING
TUESDAY, AUGUST 16, 2016
7:30 P.M.**

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

MEMBERS PRESENT:

Dave Cosnek, Chairman
Bill Fitzgerald, Board Member
Fred Lutz, Board Member
Bob Owens, Board Member
Tom McDermott, Township Solicitor
Shawn Wingrove, EIT
Laura Ludwig, Township Community Development Director
Debbie Midgley, Recording Secretary

MEMBERS ABSENT:

Chuck Kyle, Vice Chairman

OTHERS PRESENT:

Craig Hennemuth, Hennemuth Metal Fabricators
Kris Beil, Bear Construction
Joe Young, Windridge Engineering

UNFINISHED BUSINESS:

A motion was made by Mr. Bill Fitzgerald, seconded by Mr. Fred Lutz, to approve the minutes from the July 19, 2016 meeting. Motion carried.

NEW BUSINESS:

- 1. Application 2016-12 – Pinkerton Run Subdivision Plan No. 2** – Application for preliminary and final minor subdivision involving a lot consolidation from four lots to one lot on 4.1342 acres of land located at the intersection of Pinkerton Run Road and Gamble Road in an R-2 Suburban Residential Zoning District (Allegheny County Lot and Block #s 410-E-10, 495-D-15, 495-D-20, and 495-D-25)

Mr. Cosnek asked a representative to approach the Board.

Ms. Ludwig said she was not sure where Dale Wachter was. She said she emailed him a few times and hadn't heard back, which was odd for him. She said he usually will submit a revised plan in time.

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

Ms. Ludwig made the following comments.

I have reviewed the application submitted for preliminary and final minor subdivision involving a lot consolidation plan and my comments are as follows:

1. This is an application for preliminary and final minor subdivision involving a lot consolidation from four lots to one lot on 4.1342 acres of land located at the intersection of Pinkerton Run Road and Gamble Road in an R-2 Suburban Residential Zoning District (Allegheny County Lot and Block #s 410-E-10, 495-D-15, 495-D-20, and 495-D-25)
2. There is a typo/ mislabeling on the plan identifying the Zoning District of the subject properties as VR-2. This should be corrected and changed to R-2.
3. Since this is a minor subdivision plan, no sidewalk waiver is necessary as it is not a requirement in the Subdivision and Land Development Ordinance to install sidewalks as part of a minor residential subdivision. They are only required for minor and major land development projects and additions or expansions to existing structures. Thus, item number (6) in the notes section can be removed.
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. The plan submitted did not contain the seal. The final plan for recording must have both seals on it.
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 review letter dated July 26, 2016.
7. Refer to any comments from the Township Solicitor.
8. 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.
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 for preliminary and final minor subdivision filed by Jeffrey and Jill Josey is complete, pending resolution of the above minor noted items.

As such, it is my recommendation that the Planning Commission make a motion to recommend approval of the application to the Board of Supervisors, contingent upon all items being addressed in LSSE's review letter dated July 26, 2016 and this review letter dated August 12, 2016.

Ms. Ludwig made some additional comments.

Ms. Ludwig said this is a lot consolidation on Pinkerton Run Road, at the intersection of Gamble Road. She said the Josey Family plans to build a home on the property, and would like to consolidate the lots. She said provided it can pass a Perc Test, they would like to build a house there.

She said there are a couple of minor issues with the plan that Mr. Wachter submitted. She said her review letter dated August 12, 2016, shows that there is a minor typo/mislabeling in the Zoning District that needs to be corrected. She said that the other item is a note Mr. Wachter had about a possible sidewalk waiver. Ms. Ludwig said a sidewalk waiver is not needed for this plan. She said that Mr. Wachter has been doing plans in the Township for a long time and previously a sidewalk waiver for subdivision/minor subdivision was required, however under the new Ordinance it is no longer required. She said Mr. Wachter needs to eliminate that note, and make sure that the plan is stamped and sealed and signed in blue ink.

Ms. Ludwig said she would recommend to the Board of Supervisors, to approve the application contingent upon all items being addressed in LSSE's review letter dated July 26, 2016 and the Township's letter date August 12, 2016.

Mr. Wingrove made the following comments.

We have completed our review of the above referenced Subdivision Plan Application, dated July 15, 2016 by Wachter-Willis consulting, LP, as received by our office July 20, 2016. The plan proposes the consolidation of four existing lots into one lot. The properties are located along the eastern side of Pinkerton Road near the intersection of Gamble Road. The properties are zoned R-2 – Suburban 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 include the zoning classification of the area to be subdivided. (Section 302.J) **Status: The plan incorrectly labels the zoning district "VR-2". Revise the plan to show the properties are located within the R-2 District.**
2. The Ordinance requires the certification and seal of the professional land surveyor that prepared the recording plan. (Section 315.M.(1).) **Status: The final plan for recording must be sealed.**

General Note

1. Note 6 on the recording plan references that a waiver has been granted of Section 504.C requiring installation of sidewalks. This note refers to the previous version of the Township Subdivision and Land Development Ordinance (No. 226) and should be removed from the plan. Sidewalks are not required for subdivision plans and as such a waiver is not needed.

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. Wingrove made some additional comments.

Mr. Wingrove said LSSE did provide a review letter dated July 26, 2016, all comments involved are redundant with those items that Ms. Ludwig mentioned, including the typo, the plan to be sealed, signed and stamped and the note about the sidewalk waiver. He said other than those items all is good.

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

Mr. Owens said since Ms. Ludwig made attempts to contact Mr. Wachter and he has not responded, is any action taken going to be contingent on the outstanding items being addressed and completed. He said is it correct that nothing can advance or that the Township would change without the items being address if something happened to Mr. Wachter and the plan fell through.

Ms. Ludwig said yes, Mr. Wachter still needs to submit a final plan. She said if something were to have happened to Mr. Wachter, that is correct nothing can advance without the items being addressed. She said she is not sure if Mr. Wachter is on vacation or ill, it is very uncommon for Mr. Wachter to not be in attendance. She said the items in question are very minor.

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 TO THE BOARD OF SUPERVISORS THE APPROVAL OF THE APPLICATION FOR THE PINKERTON RUN SUBDIVISION PLAN NO. 2, CONTINGENT UPON ALL ITEMS BEING ADDRESSED IN LSSE'S REVIEW LETTER DATED JULY 26, 2016 AND THE TOWNSHIP COMMUNITY DEVELOPMENT DIRECTOR'S LETTER DATE AUGUST 12, 2016.

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

2. Application 2016-13 – Hennemuth Metal Fabricators Land Development –

Application for preliminary and final non-residential land development involving the construction of an approximate 60,000 industrial warehouse and office building on 72.185 acres of land on the corner of North Branch Road and Oakdale Road in an I-1 Light Industrial Zoning District (Allegheny County Lot and Block #s 587-M-2 and 587-G-1)

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

Ms. Ludwig made the following comments.

I have reviewed the application submitted for preliminary and final non-residential land development and my comments are as follows:

1. This is an application for preliminary and final non-residential land development involving the construction of an approximate 60,000 square feet industrial warehouse and office building on 72.185 acres of land on the corner of North Branch Road and Oakdale Road in an I-1 Light Industrial Zoning District (Allegheny County Lot and Block #s 587-M-2 and 587-G-1).
2. Please note these parcels, specifically 587-M-2 and 587-G-1 (only the portion south of North Branch Road) were rezoned from R-2 Suburban Residential/PRD Overlay to I-1 Light Industrial on July 17, 2014 per the request of the previous property owner, Mr. Joseph Teodori.
3. The applicant provided a letter from David E. Wooster and Associates. Inc. dated August 2, 2016 concerning trip generation calculations for the proposed project. The letter states that the number of trips generated in the evening peak hour is 64 total trips. Because the proposed land development does not exceed the threshold of 100 or more peak hour trips, additional traffic analyses are not warranted nor is the applicant required to pay a traffic impact fee.
4. The applicant has requested a waiver to Section 404.2. of the Subdivision and Land Development Ordinance, Chapter 22 of the Township Code of Ordinances, Ordinance No. 418 as amended, which requires sidewalks to be installed along street frontages for all land development projects. The applicant should provide a cost estimate for the sidewalks that can be reviewed by LSSE.

In regard to the sidewalks, typically, applicants provide a cost estimate and are required to pay a fee in lieu of for the sidewalks. I think we should discuss the sidewalks at this particular site

for this project at the upcoming meeting in more detail. Given the size of the parcel, the costs to install the sidewalk along 1,300-1,400+ feet of linear frontage along North Branch Road would be quite strenuous given the little amount of frontage that is actually disturbed as part of the project. There is no set way to handle and pay the fee in lieu of. While it is commonly paid at the time of issuance of a building permit or when the developer's agreement is signed, it could also be paid in installments over a period of time. I am proposing that we discuss the particulars of this project and this site related to sidewalks at the upcoming meeting on Tuesday.

5. In regard to grading of the site, the applicant is required to submit a grading permit application from the Township as it over the threshold of exemptions from requiring a grading permit in the Grading Ordinance, Chapter 9 of the Township Code of Ordinances, Ordinance No. 418, as amended. The applicant has indicated they will submit the application. The fee is based on the Township Engineer's time spent on the review. The fee should be minimal since this is part of a larger land development project submitted for approval.
6. In regard to the bufferyard requirements of the proposed development, the site sits along a primary roadway – North Branch Road. The front bufferyard requirement is Bufferyard C. In addition, Bufferyard C is required along the lot line between the two lots separating the uses, even though the lots are owned by the same owner. Lastly, Bufferyard A is required along the westerly side of the parcel that abuts the R-2/PRD Overlay zoned parcels. Please note: Existing vegetation and slopes can be used to satisfy the bufferyard requirements.
7. Several utilities run through the lot on the corner of North Branch and Oakdale Roads to get to the lot where the proposed development is on. Even though the parcels are owned by the same entity, this might not always be the case. As such, utility easements should be recorded as needed for the storm sewer, sanitary sewer, and any other utilities lines going through the first parcel to get to the parcel subject to the development. To negate this requirement, the lot line could be adjusted slightly as part of this project. This is just a suggestion and could be discussed in more detail at the upcoming meeting.
8. Other pending items include the signing of the developer's agreement and stormwater maintenance agreement as well as the posting of the performance bond as security and payment of the required stormwater management fee. These are typical third party items that are part of a contingent approval.
9. It is my understanding in my discussions with Mr. Shawn Wingrove of LSSE that most of the stormwater management items have been cleaned up. Please refer to LSSE's letter for more information on these items.
10. A copy of the application and plans were forwarded to the Planning Division of the Allegheny County Department of Economic Development (ACDED) for their review and comment. No comments have been received to date from ACDED.
11. Refer to any comments from the Township Engineer in LSSE's letters dated July 26, 2016 and August 12, 2016.
12. Refer to any comments from the Township Solicitor.

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

At this time, the application is complete, pending the outcome of discussions concerning the sidewalk waiver, the bufferyards, and the utilities. It is my recommendation that the Planning Commission recommend approval of the waiver to Section 404.2. of the Subdivision and Land Development Ordinance which requires the sidewalk, provided the applicant pays the required fee in lieu of as acceptable to the Township Engineer.

In addition, it is my recommendation that the Planning Commission recommend approval of the application filed by Bear Construction, Inc. for the Hennemuth Metal Fabricators non-residential land development, contingent upon all items being addressed in LSSE's review letter dated August 12, 2016 and the Township's review letter dated August 12, 2016.

Mr. Wingrove made the following comments.

We have completed our review of the above referenced Land Development Plan Application, dated July 2016, last revised August 2, 2016, prepared by Wind Ridge Engineering Co., as received by our office August 9, 2016. The plan proposes the construction of a 60,000 square foot metal fabricating facility with associated parking areas and stormwater management facilities. The property is located southwest of the intersection of Oakdale Road and North Branch Road, and is Zoned I-1 – Light Industrial District.

Previous comments may be found in our letter dated July 26, 2016.

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), Subdivision and Land Development Ordinance (Chapter 22), Grading Ordinance (Chapter 9) and Stormwater Management Ordinance (No. 427):

Zoning

1. The Ordinance requires a minimum 100 foot side yard building setback. (Section 205.3.A) **Previous Comment:** *Side yard setbacks have not been shown on the plans.* **Status:** **Side yard setbacks have not been shown of the property line separating Parcel 587-M-2 and 587-G-1.**
2. The Ordinance requires Bufferyard A along the property line where I-1 District abuts any Residential zoning district (Section 206.3., 206.3.A and Appendix 27-A) **Previous Comment:** *Bufferyard A has not been provided along the existing lot line separating the subject parcels.* **Status:** **Bufferyard C is required along all property lines shared by all I-1 property. This buffer must be provided regardless of the ownership of the parcels and has not been provided along the property line separating Parcel 587-M-2 and 587-G-1.**

3. The Ordinance requires Bufferyard C to be planted for all uses adjoining Primary Roadways. (Section 206.3., 206.3.C.(3) and Appendix 27-A) **Previous Comment:** *The proposed Bufferyard does not provide a continuous row of trees spaced at 15 feet.* **Status:** **Additional trees have been included on the landscaping plan; however, Bufferyard C should also be included east of the intersection of the access drive and North Branch Road where existing vegetation does not exist.**
4. The Ordinance requires access drives entering a State highways are subject to a highway occupancy permit issued by PennDOT. Said permits and approvals shall be obtained prior to commencement of any construction activity. (Section 303.E) **Previous Comment:** *Provide documentation of an approved HOP for the proposed connection to North Branch Road.* **Status: Pending.**

Major Land Development

1. The Ordinance requires a Completion Bond in the amount of 110% of the cost of the required improvements. (Sections 208.) **Previous Comment:** An itemized quantity takeoff and unit price cost estimate has not been provided for review. The cost estimate will aid in the determination of the required Completion Bond amount. **Status: Pending.**
2. The Ordinance requires the Developer execute a Development Agreement. (Section 209.) **Previous Comment:** *The Developer must contact the Solicitor to initiate the preparation of the Development Agreement.* **Status: Pending.**
3. The Ordinance requires existing and proposed easements be shown on the plan. (Section 302.M.) **Previous Comment:** *The plan proposes development of two parcels. Documentation of recorded easements for access drives, drainage and utility facilities that span both parcels should be provided.* **Status: No change. Cross-access easement must be recorded for the proposed access drive and utilities across both properties.**
4. The Ordinance requires a Soil Erosion and Sedimentation Control Plan. (Section 318.) **Previous Comment:** *Soil Erosion and Sedimentation Control Plan has not been provided. 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 has not been provided.* **Status: Pending.**
5. The Ordinance requires sidewalks be provided along all street frontages for all land developments. (Section 404.2.) **Previous Comment:** *Not provided.* **Status: The applicant has requested a waiver of the requirement. The Ordinance requires a fee in lieu of installation of sidewalks be provided if the requirement to install same is waived. A unit price cost estimate for the sidewalks must be provided for review of use in establishing the fee in lieu of.**

Grading

1. The Ordinance requires a Grading Permit. (Section 103.1.) **Previous Comment:** *A grading permit application should be filed with the Township.* **Status: Pending.**

Stormwater Management

1. The Ordinance requires all BMPs used to meet the requirements shall conform to the State water quality requirements and require no increase in the peak rate of runoff under post-developed conditions. (Sections 502.A.(1). and 804.1.) **Previous Comment:** *The plan proposes the use of extended detention of the volume below the orifice at 961.60 to address water quality. As this capacity does not dewater within 24 hours, it should not be used in routing calculations for rate control. Routing calculations for peak rate analysis should not include the BMP capacity used to address the 2-year volume increase.* **Status:** **Routing calculations have been revised as requested, however, the summary table on page 2 of the narrative does not appear to have been updated to reflect the revised post development peak discharge rates. A final report with the corrected summary table should be provided to the Township.**
2. 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.**
3. 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:** *The amount of the Fund contribution will be determined upon approval of the plan.* **Status: Pending.**

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), 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.

The Applicant must provide a detailed written response to each item noted in this letter along with the plan re-submittal.

Mr. Cosnek asked a representative to approach the Board.

Mr. Kris Beil from Bear Construction approached the Board.

Mr. Cosnek asked Mr. Beil if there was anything he would like to present to the Board.

Mr. Beil said that Joe Young from Windridge Engineering was delayed perhaps due to the storm. He said that he had nothing to present at this time.

Mr. Owens said yes some of the roads out there were a mess, he just came through and saw that.

Mr. Beil said he sent Mr. Young a text and was waiting to hear back from him. He asked if the Board has seen the plans.

Mr. Cosnek said yes they were submitted to the Board.

Mr. Beil said there were a few items on Ms. Ludwig's letter that they would like to talk about.

Ms. Ludwig asked are we assuming Mr. Young is on his way.

Mr. Beil said yes.

Ms. Ludwig said yes, Mr. Young needs to be here.

Mr. Beil said he is waiting on a response from Mr. Young.

Mr. Beil said Mr. Young responded that he will be there in approximately 5 minutes.

Ms. Ludwig asked if the Board would like to review her letter at this time.

Mr. Cosnek asked if that would be of any advantage to the Board, or does Mr. Young need to be there.

Ms. Ludwig said yes, Mr. Young should be there to hear her review.

Mr. Cosnek said yes, Mr. Young should be here to be able to respond to any questions.

Ms. Ludwig said Mr. Hennemuth is here perhaps he can tell the Board how awesome the building is going to be.

Ms. Ludwig said Mr. Hennemuth is moving from Oakdale where they have had some flooding, up to North Fayette.

Mr. Hennemuth said yes, where they flood occasionally.

Ms. Ludwig said she has been helping Mr. Hennemuth to find a space, a lot.

Mr. Hennemuth said yes a home.

Mr. McDermott asked Mr. Hennemuth what his Company does.

Mr. Hennemuth said they fabricate duct work for heating and air conditioning.

Mr. McDermott said for HVAC contractors.

Mr. Fitzgerald said he does not see why they just don't talk about it. He said he doesn't understand what Mr. Young is going to do or not do. He said the Board just passed something without a representative there.

Mr. Cosnek said it is a lot consolidation that has some issues.

Ms. Ludwig said yes there are a couple of different ways some of the outstanding comments can be addressed. She said it is a matter as to what Mr. Hennemuth's Engineer will feel most comfortable with.

Mr. Cosnek asked if the outstanding items had been reviewed with Mr. Hennemuth's Engineer, Mr. Hennemuth and Mr. Young.

Ms. Ludwig said yes they all received a copy of the review letters.

Mr. Beil said they have reviewed the Township's letter and the Township Engineer's letter. He said a portion of the driveway and utilities are on one parcel, whereas the preponderance of the development is on the other parcel.

Mr. Cosnek asked Mr. Beil if he would be comfortable in answering any questions that are brought up.

Mr. Beil said yes.

Mr. Cosnek said ok let's get started then, and see where it goes.

Mr. McDermott said yes it can be discussed generally speaking and if anyone wants to chime in, there are some comments on how that property should be dealt with.

Ms. Ludwig said Mr. Hennemuth does own the 2 parcels. She said although he may not always own them, and someone else could develop it in the future, in these cases the Township typically requires that these easements be put in place even if they would in a sense be with himself, because Mr. Hennemuth might not always own that lot, the second lot. She said a couple of things could be done and did not get into it too much in her review letter (referring to the plans) the lot line can be moved, adjusted a little bit and even carve out this section and take it over and take this chunk (referring to the plans) that way they aren't gaining all that frontage on Oakdale Road, but they would be solving the problem here especially with the driveway that would eliminate the need for the easement for the driveway and for most of the utilities as well because the utilities are located within that area. She said also in regard to the bufferyard, they can use some of the existing buffer along there (referring to the plans) because there are plenty of trees and existing vegetation there. She said they wouldn't necessarily have to plant new plantings to meet the bufferyard requirement along Oakdale Road.

Mr. McDermott said to achieve all of those things they really should be in a unified parcel all the components that are part of the land development plan should be within the same parcel. He said it is like a cake and eat it too thing where there is no problem with the line upon the existing vegetation for example but the pond is almost crossing the borderline on the edge and the embankment actually goes into the second parcel and actually seems to be that in the context of the overall land development the simple thing to do is to tweak the line (referring to the plans) to put all of the components of the land development inside the parcel.

Mr. Fitzgerald said wouldn't that make sense to make it conforming if Mr. Hennemuth owns both pieces of property to move the line and make it so it isn't of question.

Mr. McDermott said yes.

Mr. Fitzgerald said so if Mr. Hennemuth were to sell the lot beside it later then they would not have any issues.

Mr. McDermott said yes the components, the required landscaping, and the driveway entrance, the ponds they probably should not be in an easement space they should be within the parcel.

Mr. Fitzgerald said correct.

Mr. McDermott said that is the main thing and from an engineering and submission standpoint it is not reinventing the wheel it is the simpler of the sheets that they have. He said it is basically a lot line change and many applications the Township have a combination of subdivision and lot consolidation/land development this would be from an engineering standpoint just another sheet, all of the work is pretty much done expect for the deciding where the line should be which can be reverse engineered to what they need to put in it. He said they can pick an appropriate line whether it is the end of this easement space (referring to the plans) and the power line or something like that around there.

Mr. Biel asked if they did that, is there a problem with the buffer then.

Mr. McDermott said no it actually helps the buffer because they need a buffer, right now the buffer that they would wish to have and that the Township will accept existing vegetation if it meets the performance standard which it seems the Township thinks that it does. He said the buffer needs to be on the property that it is buffering, in other words the Township would be constraint in making them put a buffer over on the border line.

Ms. Ludwig said along the creek there is existing vegetation.

Mr. Biel said so if they slid the line over to the side would that work.

Mr. McDermott said (referring to the plans) if they would come down and actually took the outside of the powerline easement and ran the property line around there, then they have this existing vegetation they could ask to be accepted as their vegetation and not have to put any more plant vegetation. He said the Township will accept vegetation if it already exists, why mow it down and put something else in. He said this is in the neighboring parcel they happen to be Smith and Jones. He said though they have to be treated like they are Smith and Jones.

Mr. Biel said in this case (referring to the plans) if they move the lot line here then they aren't in the neighboring parcel.

Mr. Wingrove said there is still a buffer required between parcels in the I-1 or I-2 district.

Mr. McDermott said that is how to kill all their birds with one stone (referring to the plans) the entrance should be here.

Mr. Biel said then the only other issue than would be the sidewalk.

Ms. Ludwig responded yes, the sidewalk (referring to the plans). She said moving the lot line would give them a little more frontage along Oakdale Road and also on North Branch Road.

Mr. McDermott said it needs tweaked to even get their entry onto the property, and from there the Township isn't dictating how they draw the new line. And have setbacks from what they need and retention facility all within the parcel, and again it is up to them to look at (referring to the plans) the further they look down here the more they can actually pickup existing vegetation and if the line is moved in this direction and then they would have to do whatever the minimum buffer would be, because landscaping doesn't exist. He said they can toss that idea around if it makes sense to come down here and take all this stuff and call it day.

Mr. Hennemuth asked if he can ask about the sidewalk. He said does the Board understand where the Township wants them to put a sidewalk.

Mr. McDermott said the Township does not want them to put in a sidewalk necessarily and the Ordinance provides either for a sidewalk or if there is an appropriate reason not to have a sidewalk. He said the Ordinance is made so the developer/applicant is not monetarily motivated but developmentally motivated in asking whether to have a waiver or not. He said then if a waiver is granted there is a fee in lieu of the sidewalk that is based on a reasonable estimate on the experience of this Board certainly on what the construction cost of a sidewalk would be and that would be used to determine the fee in lieu of that is required.

Mr. Hennemuth said explain that to him in layman's terms.

Mr. McDermott said they build a sidewalk or pay to not build it.

Mr. Hennemuth asked why should he pay for something that he doesn't have and there is zero need for a sidewalk there, none. He said then is the Township telling him that if the sidewalk would cost \$50,000.00 he has to pay the Township \$50,000.00.

Mr. Owens responded yes.

Ms. Ludwig responded yes, that is how the fee in lieu is set up. She said the Township amended the Subdivision and Land Development Ordinance in 2014, because the Township was granting sidewalk waivers all the time, but at the same time the Township wants to become more pedestrian friendly, more bike friendly and rather either start building sidewalks to nowhere, when eventually they will link up or collect the fee in lieu so that when the Township does want to build the sidewalks they have the funds to do it.

Mr. McDermott said the Township is trying to plan on a 30 year trajectory, so everyone right now could be the first in the sidewalk to nowhere. He said in some of the places yes they are always going to be to nowhere but then in those places the fee in lieu would be used in places to connect.

Mr. Hennemuth asked will he be expected to shovel it and maintain it, and when it crumbles and falls apart he has to keep fixing it, because that is what is going to happen.

Ms. Ludwig said yes, the sidewalks are the responsibility of the property owner. She said yes, Mr. Hennemuth would have to maintain them, shovel them, etc.

Mr. Cosnek asked if they could recess for Executive Session.

Mr. McDermott said yes.

The Board recessed for Executive Session at 7:49 P.M.

The Board reconvened the meeting at 7:57 P.M.

Mr. Cosnek said there are several items on the drawings and in the review letters from LSSE and from the Township regarding the bufferyards, the right-of-ways for the utilities and the Board is unclear as to whether Mr. Hennemuth is requesting a waiver for the sidewalks and they may have to consider what they are going to do in that case. He said based on those issues no matter what way they would respond to those issues that have been raised, it is going to require them to revise the drawings and resubmit them and then come back to the Planning Commission. He said the best way at this point to move is to recommend that the application is incomplete at this time that way it doesn't start the clock for anyone and they can get those issues resolved and resubmit them to the Township and have them available for the next Planning Commission meeting.

Mr. Biel asked if he understands then does the Board mean the issues pertaining to the boundary lines of the 2 parcels, is that the main issue.

Mr. Cosnek said that is part with the bufferyards, as of right now there is an issue that the bufferyards are not shown on the drawings.

Mr. Wingrove said yes the way the Ordinance is written even though Mr. Hennemuth owns both parcels the property line that separates the 2 should have a bufferyard on either side. He said he understands that they own both parcels and that they would be buffering from themselves, the ordinance is blind to that. He said there should be a planting row of trees, everything setback on that property line that splits the development area.

Ms. Ludwig said she had a conversation with Mike Salai from Windridge Engineering the day before and she discussed lot consolidation or a lot line relocation could help to address some of the issues. She asked if they talked about that and looked at all at that.

Mr. Young said his impression with Mr. Salai was that these issues were going to be a part of the Planning Commission meeting was to discuss possible ways to proceed forward rather than just tabling the plan, if he understands what Mr. Cosnek was saying.

Mr. McDermott said the issues being discussed are not going to slow the project down so to speak. He said based on the Township Engineers comments just the mere absence of it not being show on the plan, is one of the technical requirements of a complete application in this Township. He said the plans are administratively complete on a staff level before it comes before

the Planning Commission. He said the application would have had to come back around to the Planning Commission again for another round and the ultimate getting to the finish line with the Board of Supervisors will be the same time line trajectory, this is not stretching out the time line. He said the Board makes a motion that acknowledges that the application is technically, administratively incomplete. He said that is not because of the issues that were being discussed, it is because of the technical requirements. He said it would have to be resubmitted anyway. He said they wanted to talk to them about those particulars.

Mr. McDermott said the letter that the Township Engineer wrote doesn't say what they have to do in response to the issues. He said the letter sights name, rank, serial number, A: lacks a bufferyard, therefor incomplete. He said the conversation would be what the Township would recommend what needs to be done or could be done.

Mr. Young said if they walk out of here with this information and resubmit for the next Planning Commission meeting, is everyone then on the same page with what they are proceeding with now.

Ms. Ludwig said this is the discussion they were having while waiting for Mr. Young to arrive. She said there are a couple of options, and to talk to Mr. Hennemuth and see what is best. She said if they consolidate the lots the issue then becomes adding frontage that will need sidewalks per the Ordinance along Oakdale Road.(referring to the plans) She said if it can be carved out along the West Penn easement lot line to take out the chunk of land, then they would eliminate the need for the utility easements and they could use the existing buffer along Oakdale Road so they would have to plant a buffer behind here (referring to the plans) as right now there is just grass and weeds there. She said either way they still have some things to do. She said they would gain the existing buffer along the stream which is nice they can use existing vegetation for the buffers, they can use topography, slopes and hillsides as well. She said then it adds more frontage for the sidewalk, but minimal.

Mr. McDermott said from an engineering and legal stand point too, the Township concurs that this development is Smith and Smith so to speak with the ownership, but it needs to be treated like Smith and Jones as they could actually sell the other parcel. He said this actually is a development that spills over into this land whatever it is, the improvements, the embankment into the pond, the driveway entrance, the buffering. He said the Township believes their total development site plan needs to be within a single parcel.

Mr. Young asked can't it be done by the easement, given it's a road and utilities.

Mr. McDermott said no when that is the entry driveway that is required, improvements whether it is the landscaping and actually the pond grades down 10-15 feet into the other parcel, it's minimal but it's in the parcel. He said the Township would not set precedent, if that was a precedent everyone would be able to abade all of the Ordinance requirements simply by putting all the improvements in the easement space off site. He said actually what they are proposing now would require them to go before the Zoning Hearing Board to get the variance from the bufferyards requirements. He said the easiest solution that makes sense from the legal and engineering stand point too (referring to the plans), again not dictating where the line would be, if they could reverse engineer based on what they want to put on their site, but all the required improvements need to be in the site.

Mr. Young said they would reiterate that with Ms. Ludwig and Mr. Wingrove through this next month as far as how to work it out.

Ms. Ludwig said they could meet if they want, set up a meeting before they start to make their changes. She said the other parcel, because it is predominantly in a floodplain, she isn't sure how they would work it out.

Mr. Owens asked have these discussions not occurred already, about all of the issues.

Ms. Ludwig said some of the issues have been discussed.

Mr. Owens said yet nothing has been done about any of them at this point.

Ms. Ludwig said their response to LSSE's initial review letter several weeks ago, was that they owned both parcels, so it such be a non-issue. She said the response back at the end of last week, was that we prefer that they try to handle it.

Mr. McDermott said it isn't really a preference, it has to be treated like Smith and Jones because they could separate the parcels.

Mr. Owens said absolutely.

Mr. McDermott said and for their benefit too unlike most municipalities, the Township works on a 2 faction meeting cycles, in other words they will resubmit to Planning Commission which is once a month, but the Board of Supervisors who is the governing body who make the ultimate decision work on a 2 meeting per month cycle unlike most municipalities which have only 1 meeting per month. He said once they resubmit to the Planning Commission presumably in the next month, they are only a half of a month away from the Planning Commission's recommendation to the Board of Supervisors instead of a month away.

Mr. Young said ok.

Mr. Cosnek said they should set up a meeting with Mr. Wingrove and Ms. Ludwig to get the issues resolved and they can submit their information to the Township and the Township will review and respond in a letter to them and at that point they should be better where things are and hopefully after the meeting things will be resolved.

Mr. Young said ok.

Mr. Cosnek 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 HENNEMUTH METAL FABRICATORS LAND DEVELOPMENT APPLICATION AS ADMINISTRATIVELY INCOMPLETE.

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

COMMENTS:

Mr. Cosnek asked if there were any further comments or questions. Hearing none, he asked for a motion to adjourn.

ADJOURNMENT:

A MOTION WAS MADE BY Mr. FRED LUTZ, SECONDED BY Mr. BOB OWENS, AND CARRIED, TO ADJOURN THE MEETING at 8:07 PM.

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

Respectfully submitted,

Debbie Midgley
Planning Commission Recording Secretary

