

**NORTH FAYETTE TOWNSHIP  
PLANNING COMMISSION**

**REGULAR MEETING  
TUESDAY, SEPTEMBER 17, 2013  
7:30 P.M.**

The meeting was called to order with Mr. Bill Fitzgerald presiding.

**MEMBER PRESENT:**

Bill Fitzgerald, Vice Chairman  
David Cosnek, Board Member  
Fred Lutz, Board Member  
Charles Kyle, Board Member  
Tom McDermott, Township Solicitor  
Kevin Brett, P.E., Township Engineer  
Laura Ludwig, Township Community Development Director  
Cheryl Cherico, Recording Secretary

**MEMBERS ABSENT:**

Bob Owens, Chairman  
Shawn Wingrove, EIT

**OTHERS PRESENT:**

Dale Wachter, Wachter Willis Consulting  
Kevin McKeegan, Myer Unkovic & Scott, LLP  
Curtis Quattlebaum, Gamble Road  
Ray Sutherland, GAI Consultants  
Kathy Guatteri, Gamble Road

**UNFINISHED BUSINESS:**

A motion was made by Mr. Fred Lutz, seconded by Mr. Dave Cosnek, to approve the minutes from the August 20, 2013, meeting. Motion carried.

**NEW BUSINESS:**

- 1. Application 2013-23ZC – Curtis Quattlebaum & Kathy Guatteri Application for Zoning Change** – Application to rezone a vacant lot on 2.370 acres of land on Gamble Road (Allegheny County Lot and Block # 409-J-18) from CE Civic and Education to R-2 Suburban Residential for two proposed single-family lots.

Mr. Fitzgerald asked a representative to approach the Board.

Mr. McKeegan and Mr. Wachter approached the Board.

Mr. McKeegan said this is currently one parcel and not subdivide as it is shown on the drawing that he placed on the Board for Planning Commission members to view. He said the parcel is 2.370 acres located adjacent to the Holly Hills residential development on Gamble Road. He said Mr. Quattlebaum and Ms. Guatteri purchased the property in June and now would like to subdivide it in order to build a house for themselves on one of the lots and sell the other lot for a single family home. He said the uses that they are proposing are absolutely consistent with the general area with Holly Hills adjacent, across the street from the back end of Botanical Gardens and other uses along Gamble Road in the CE District. Even though the property is in the CE District, he said it was approved for one single family house earlier this year and the zoning ordinance speaks of residential parcels. He said this should be a relatively benign request except for some peculiarities in your zoning ordinance in regards to what needs to be submitted. He said he would reserve that for a legal argument at another time that it is already a residential parcel; hence it should be a minor zoning request. He said he had some discussions with Mr. McDermott over the summer and followed that up with this application for a zoning change. He said they are looking to defer some of the more complicated reports that are required per the ordinance until the time of building permit submittal when they would have actual building plans. He said these items would include the buildable area analysis report, an environmental study which they really don't believe is necessary since the area is very flat and consistent with the Holly Hills plan, and the slopes stability report. He said this is really just about use and comprehensive planning sort of analysis and hoped the Planning Commission would make a favorable recommendation to the Board of Supervisors and move this forward to a public hearing.

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

Ms. Ludwig made the following comments:

1. This is an application to rezone a vacant lot consisting of 2.370 acres of land on Gamble Road (Allegheny County Lot and Block # 409-J-18) from CE Civic and Education to R-2 Suburban Residential for two proposed single-family lots.
2. This property was previously granted a conditional use for one single-family dwelling on January 22, 2013 by the Township Board of Supervisors. The conditional use application was submitted by the previous owner, Ms. Rebecca Choco, in order to sell the property. The new owners, Mr. Quattlebaum and Ms. Guatteri, want to subdivide the property into two lots.
3. Per the requirements of the request for zoning change application as outlined in Section 1201 of the Zoning Ordinance, contact information for all abutting and nearby property owners within 200 feet of the subject property is required as part of the application. These names and addresses must be provided so that the neighbors can be notified of the pending request for zoning change and the pending public hearing date. The applicant provided this list on September 12, 2013.
4. The applicant has noted that a Buildable Area Analysis will be submitted once the building plans are completed. This is a requirement of Section 1204.6 of the Zoning Ordinance.
5. The applicant is requesting two waivers from the application requirements. The first is for the slope stability investigation, which is required per Section 1204.8 of the Zoning Ordinance. The second waiver is for the Phase One Environmental Assessment, which is required per Section 1204.9. The applicant believes these two requirements are not necessary given the scope of the project, which includes the construction of two single family homes on the current parcel, which is to be subdivided.

6. North Fayette's most recent Comprehensive Plan was adopted in July 2002. Two community objectives listed in the plan are to a) maintain the character of existing neighborhoods while encouraging lower-density, single-family residential growth, and; b) balance the conservation of existing natural resources with the demands of physical development. In regard to maintaining character, the subject property on Gamble Road abuts several single-family homes that are part of the Holly Hills residential community. There are also homes on larger lot sizes as you travel north on Gamble Road in the CE District. While the lot is currently wooded and vacant, the construction of the two homes will not significantly alter the character of the neighborhood. In regard to conservation, the lot is currently zoned CE Civic and Education. Across the street from the property is the rear of the Pittsburgh Botanic Garden, which includes over 400 acres of abandon mines which are being transformed into a world class botanic garden. Given the large amount of acres in the CE District that will remain as a conservation area, the loss of 2.37 acres in the CE district to build two homes is not significant.
7. Refer to any comments from Allegheny County per the letter from Kay Pierce dated September 4, 2013.
8. Refer to any comments from the Township Engineer per LSSE's letter dated August 30, 2013.
9. Refer to any comments from the Township Solicitor.
10. Please note: The applicant is responsible for all engineering, legal, and other related review fees associates with this application and if the escrow deposit is depleted, they will be billed for any remaining fees owed.

At this time, Ms. Ludwig said the application looks to be complete, pending the waivers being granted due to the scale and scope of the project. She said the Township doesn't have any issues. She said if this was a huge housing development plan, the Board would want to have the slope stability and Phase One Environmental Assessment. Since it is only two single family homes that they are proposing and the lot is flat, she said it seems somewhat reasonable to waive or defer those requirements. She said they would ask for the Buildable Area Analysis once they prepare the building plans.

Ms. Ludwig said the Planning Commission should make a recommendation to the Board of Supervisors to take action on the two written requests for waivers or deferments of the requirements for a Slope Stability Investigation and a Phase One Environmental Assessment, as required per Sections 1204.8 and 1204.9 of the Zoning Ordinance, respectively.

In addition, Ms. Ludwig recommended that the Planning Commission make a motion recommending that the Board of Supervisors set a public hearing date for the zoning change request. The Planning Commission should also make a motion on the rezoning application itself, as to whether they support the approval of, or oppose the proposed zoning change.

Mr. McDermott said he would like to clarify a few things mentioned. He said it has been a while since he and Mr. McKeegan talked on the phone, but he believes that they did agree that technically this comprises a 'major' application, but that when you look at the criteria of the things they would have to meet, most of the requirements would be quite easy to meet. He said he would disagree legally with the conclusion that this parcel is a 'residential' parcel. He said a residential parcel in the zoning ordinance is one that has an "R" in front of it. While it is true that by Conditional Use, it was approved that they may construct a residence in a CE Zoning District, a Condition Use approval does not convert

that piece of property into a residentially zoned parcel. He said it only allows for a residential use in a CE zone. When you look at the letter of the rule for what constitutes a minor application versus a major application, he said this does technically fall under the major category. However, he said they were quite confident that the burden imposed in this situation in light of what it actually is would be quite insignificant and easy to meet. He said while there is a significant checklist for a major versus a minor, some of the items have probably been done already or will be done. While it includes a topographical survey, site conditions report, traffic survey, conceptual development plan, buildable area analysis, etc., most of these have been done or would be done during the preparation of building plans anyway with the exception of the Phase One Environmental Assessment.

Mr. Wachter said they have done the topography, etc.

Mr. McDermott asked if they had the capabilities to do the Phase One Environmental Assessment or if it was something somebody else would need to do.

Mr. Wachter said they would need to get that done.

Mr. McDermott said it is something the Board could possibly waive with the Township Engineer's recommendation if that was in order. He said the other analysis would be a relatively easy process to complete as opposed to waiving the requirements.

Mr. McKeegan said with the exception of the items mentioned, most of that was in the application file.

Mr. Fitzgerald asked for clarification on whether some of the items that they have already submitted are now going to be waived.

Mr. McDermott said no, he was saying they have met most of them already or will have them done when the site plans are prepared prior to construction.

Mr. Cosnek said the only one is the environmental study.

Mr. McDermott said that was correct.

Mr. Brett made the following comments:

We have completed our review of the above referenced Application for Zoning Change, dated August 7, 2013, last revised September 7, 2013 as received by our office September 16, 2013. The application proposes rezoning of an existing property currently in the CE – Civic and Education District to the R-2 Suburban Residential District. The property is located along the western side of Gamble Road.

Previous comments may be found in our letter dated August 30, 2013. The items in italics are previous comments, which have not been resolved as of the date of this letter.

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

## Zoning

1. The Ordinance requires a Buildable Area Analysis. (Section 1204.6.) **Previous Comment:** *Not provided. The applicant has requested this requirement be deferred until building plans are available.* **Status: No change.**
2. The Ordinance requires a Slope Stability Investigation. (Section 1204.8) **Previous Comment:** *Not provided. The applicant has requested this requirement be deferred or waived.* **Status: No change.**
3. The Ordinance requires a Phase One Environmental Assessment. (Section 1204.9) **Previous Comment:** *Not provided. The applicant has requested this requirement be deferred or waived.* **Status: No change.**

The application has been reviewed for conformance to the Township Ordinance standards only. The review is based on documentation, 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 (No. 360). Additional comments may be made and we reserve the right to comment further pending submission of revised plans.

Mr. Brett said there were originally five items in their review comments. He said the applicant resubmitted today and it was reviewed today resulting in the above three items listed. He said he believed the area was flat and did not see a problem with deferring the Buildable Area Analysis and the Slope Stability Investigation to when building plans are ready to submit. He said they could add a statement on the building permit that the area is flat. He said the Phase One Environmental Assessment could be waived by the Board. He said this is a risk to the owner to not do the Phase One and not so much a Township concern. He said it is part of the rezoning according to the ordinance, but in actuality it is a concern to the owner to put two houses on the property without knowing what is in the ground. He said he would support the Phase One being a waiver.

Mr. Fitzgerald asked what the square footage of the homes would be.

Mr. Quattlebaum said they would be roughly 2000 square foot each.

Mr. Wachter said that fits in with the size of the homes in Holly Hills.

Ms. Ludwig recommended that the Board make a motion to defer the Buildable Area Analysis and the Slope Stability Investigation until time of building permit and to waive a Phase One Environmental Assessment.

Mr. McDermott said they want to make the motion to recommend to the Board of Supervisors to defer the Buildable Area Analysis and the Slope Stability Investigation and waive a Phase One Environmental Assessment as part of the review for this application.

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

**A MOTION WAS MADE BY Mr. FRED LUTZ, SECONDED BY Mr. DAVE COSNEK, AND CARRIED, TO RECOMMEND TO THE BOARD OF SUPERVISORS TO DEFER THE BUILDABLE AREA ANALYSIS AND THE SLOPE STABILITY INVESTIGATION AND TO WAIVE A PHASE ONE ENVIRONMENTAL ASSESSMENT AS PART OF THE REVIEW FOR THIS APPLICATION.**

<b>ROLL CALL:</b>	<b>DAVE COSNEK</b>	<b>YES</b>
	<b>FRED LUTZ</b>	<b>YES</b>
	<b>CHUCK KYLE</b>	<b>YES</b>
	<b>BILL FITZGERALD</b>	<b>YES</b>

**A MOTION WAS MADE BY Mr. CHUCK KYLE, SECONDED BY Mr. FRED LUTZ, AND CARRIED, TO RECOMMEND TO THE BOARD OF SUPERVISORS TO SET A PUBLIC HEARING DATE FOR A ZONING CHANGE REQUEST.**

<b>ROLL CALL:</b>	<b>DAVE COSNEK</b>	<b>YES</b>
	<b>FRED LUTZ</b>	<b>YES</b>
	<b>CHUCK KYLE</b>	<b>YES</b>
	<b>BILL FITZGERALD</b>	<b>YES</b>

Mr. McDermott said the Board needed to make another motion for housekeeping purposes to defer the slope analysis and buildable area analysis until the time of building permit.

**A MOTION WAS MADE BY Mr. CHUCK KYLE, SECONDED BY Mr. DAVE COSNEK, AND CARRIED, TO RECOMMEND THAT THE BOARD OF SUPERVISORS INCLUDE IN THEIR APPROVAL OF THE DEFERRAL OF THE SLOPE ANALYSIS AND BUILDABLE AREA ANALYSIS THAT IT BE UNTIL THE TIME OF BUILDING PERMIT.**

<b>ROLL CALL:</b>	<b>DAVE COSNEK</b>	<b>YES</b>
	<b>FRED LUTZ</b>	<b>YES</b>
	<b>CHUCK KYLE</b>	<b>YES</b>
	<b>BILL FITZGERALD</b>	<b>YES</b>

**A MOTION WAS MADE BY Mr. FRED LUTZ, SECONDED BY Mr. DAVE COSNEK, AND CARRIED, TO RECOMMEND APPROVAL TO THE BOARD OF SUPERVISORS FOR THE ZONING CHANGE.**

<b>ROLL CALL:</b>	<b>DAVE COSNEK</b>	<b>YES</b>
	<b>FRED LUTZ</b>	<b>YES</b>
	<b>CHUCK KYLE</b>	<b>YES</b>
	<b>BILL FITZGERALD</b>	<b>YES</b>

- 2. Application 2013-24 – Quattlebaum Plan of Subdivision** – Minor subdivision application to subdivide one lot into two lots on 2.370 acres of land on Gamble Road (Allegheny County Lot and Block # 409-J-18) in a proposed R-2 Suburban Residential Zoning District.

Mr. Fitzgerald asked a representative to approach the Board.

Mr. McKeegan and Mr. Wachter approached the Board.

Mr. McKeegan pointed to the drawing he had placed on the Board for the previous application. He said this is very simple and Mr. Wachter could explain the details, but he wanted to explain that the rectangular parcel is going to be carved into two lots with one being approximately 1.2 acres and the other being 1.12 acres. He said the lots comply with all of the technical requirements of the Zoning Ordinance with regards to size and room for setbacks. The purpose of the subdivision is to permit the construction of two single family homes. He said the subdivision would be contingent on the Board of Supervisors acting favorably to the rezoning request.

Mr. Wachter said they have addressed all of the setback requirements. He said there were a few comments from Allegheny County Planning. He said at the time this was put together, they didn't have the current deed because it hadn't gone through yet. He said they now have the current deed and have added it. He said they also added the additional information for the adjoining properties, names and the addresses. He said those two items addressed the outstanding comments of the county.

Mr. Cosnek asked if it was premature to be looking at this subdivision for approval prior to the supervisors making their decision on the zoning change.

Mr. McDermott said it is technically premature but more efficient. He said it could be tabled or wouldn't occur unless the rezoning is approved. He said it would have to be behind the zoning change on the agenda. He said he believed the applicant and counsel agree that technically the time frame that starts the 90-day time constraints of this SALDO application doesn't begin to run unless or until the zoning change is approved. He said at the same time, it makes efficiency sense that these run together.

Mr. McKeegan said that was correct and if needed he could put it in writing.

Mr. McDermott said that wasn't necessary since he agreed on the record and that it could be reflected in the minutes.

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

Ms. Ludwig made the following comments:

1. This is an application for preliminary and final subdivision involving the subdivision of one lot into two lots on 2.370 acres of land on Gamble Road (Allegheny County Lot and Block #409-J-18) in a proposed R-2 Suburban Residential Zoning District.
2. This property is currently zoned CE Civic and Education. A request for zoning change from CE to R-2 Suburban Residential is still pending. If this subdivision plan is recommended for approval this evening, it should be contingent upon the zoning change being granted.
3. The lot width (100') as well as the front (30'), side (15'), and rear (35') setbacks shown on the plan are consistent with the area and bulk regulations for the R-2 District as outlined in Section 204.3, Table 2, of Zoning Ordinance #360.

4. Sidewalks shall be required to be installed along the full frontage of lots located on arterial or collector streets per Section 504.(b). of the Township's Subdivision and Land Development Ordinance (SALDO). The applicant has requested a modification/waiver to this requirement for consideration by the Planning Commission and the Board of Supervisors. The subject property abuts the Holly Hills development. Holly Hills has sidewalks throughout the development, on Lilac Court, Holly Hill Drive, Azalea Drive, and Gamble Road. In fact, along the whole stretch of Gamble Road that includes Holly Hills, sidewalks were installed as part of the overall development. The other homes along Gamble Road in the CE District do not have sidewalks. It gets much more rural on that end. Given the lot's close proximity to Holly Hills, Ms. Ludwig recommend that the request for a sidewalk waiver not be granted at this time. A new sidewalk could be installed to connect to the existing pedestrian system. This would allow the owners of the two future lots to take a walk in the neighborhood as there is an existing sidewalk sector present.
5. Section 502 of the Township's SALDO requires that sanitary sewer service be provided to each lot. Please note the applicant has been working with the Township on the sewer extension project. LSSE is currently preparing the plans, which will be done sometime this month, per the Engineer's Report as the September 10<sup>th</sup> Board of Supervisors Workshop Meeting. The Pittsburgh Botanic Garden will also be tapping into this sewer extension and will be sharing the costs with Mr. Quattlebaum for the work to be done.
6. Per the Allegheny County Subdivision and Land Development Ordinance, all paper plans submitted for recording must have both the embossed and ink seal of the PA licensed surveyor who prepared the plans. The plans submitted did contain both seals. Please make sure the plan for recording also has both the embossed and ink seals.
7. In addition, the County's SALDO requires that all signatures be made in permanent navy blue ink or felt tipped pen.
8. Refer to any comments from the Township Engineer per LSSE's letter dated August 30, 2013.
9. Refer to any comments from the Township Solicitor.
10. Refer to any comments from Allegheny County per Kay Pierce's review letter dated September 3, 2013.
11. Please note: the applicant is responsible for all engineering, legal, and other related review fees associated with this application and if the escrow deposit is depleted, they will be billed for any remaining fees owed.

At this time, Ms. Ludwig said the application looks to be complete, pending the request for zoning change is granted.

Ms. Ludwig said the Planning Commission should make a recommendation to the Board of Supervisors regarding the sidewalk modification/waiver request. In addition, she recommended that the Planning Commission make a motion recommending that the Board of Supervisors approve the Quattlebaum Subdivision Plan, contingent upon the rezoning change being granted and contingent upon any outstanding items being addressed in this review letter and LSSE's review letter dated August 30, 2013. Please note: This item will not go before the Board of Supervisors for a motion for final approval until the request for zoning change is granted.

Given the proximity to Holly Hills and the fact that Holly Hills is a neighborhood that does have sidewalks, Ms. Ludwig said this is one of those times that the Planning Commission may not want to recommend a waiver on the sidewalks.

Mr. Fitzgerald said that was going to be his first question, does Holly Hills have sidewalks.

Ms. Ludwig presented photos to the Board to show the sidewalks in the Holly Hills plan and photos of the property on Gamble Road. She explained to the Board where the sidewalk ended at the house on the corner on Gamble Road that is part of Holly Hills in relationship to the Quattlebaum/Guatterri property. She said the sidewalk could easily be extended to the Quattlebaum/Guatterri property and would allow them as well as the future owner of the other house to take a walk or push a stroller and go around the adjacent neighborhood.

Mr. Wachter asked how far the sidewalk ends before the property, 30 or 40 feet.

Ms. Ludwig said the sidewalk runs about 30 or 40 feet on Gamble Road and ends about 20 to 30 feet short of their property. She said this is an issue where the Township is not trying to set precedence, but trying to take it into consideration that there are actually sidewalks nearby. She said this is one of those times that the Board may not want to grant that sidewalk waiver.

Mr. McKeegan said as Mr. Wachter was pointing out, the existing sidewalk at Lot 101 in the Holly Hills plan does not go all the way across to the property, so there is going to be a gap in the sidewalk. He said obviously, Mr. Quattlebaum can't put a sidewalk on someone else's property without their permission. Secondly, he said there is a four or five foot embankment that runs along Gamble Road and comes down to the edge of the road. He said right now, there is not sufficient room within the property line, topographically, to get a sidewalk in there.

Mr. Fitzgerald there is enough room for a house, but not for a sidewalk.

Mr. McKeegan said the house is set back pretty far on the lot. He said it is really more the gap situation and the embankment. He said it would kind of be a sidewalk to nowhere because there is nothing up the other way on Gamble Road.

Ms. Ludwig said no, that wasn't true. If the person who would buy the other lot and house had children, she believed they would very gladly take their stroller down to the adjacent neighborhood and walk with their children. She said it would not be a sidewalk going to nowhere.

Mr. Cosnek said the Township could take care of that 20 or 30 feet since it is in the road right-of-way and not actually on private property.

Ms. Ludwig said yes.

Mr. Cosnek said so, it could be done.

Mr. Fitzgerald said the Township has an ordinance and they waive it all the time. Personally, he said he was tired of waiving it. He said in some places, sidewalks don't belong. He said if there is an existing sidewalk and we are only talking about 20 feet, it should be done.

Mr. Cosnek said the other cases didn't have sidewalks anywhere and that is why the Board waived it.

Mr. Fitzgerald said exactly.

Mr. McKeegan asked if he could make a request.

Mr. McDermott asked if everyone could please not all talk one at a time.

Mr. McKeegan asked if they could defer installing the sidewalk until they figured out how the gap would be closed. He said if the Township doesn't build the sidewalk there, the situation would still be the same.

Mr. Brett and Mr. McDermott said the Township would address any issues regarding the need to close the gap.

Mr. Brett said that he and Mr. McDermott had talked about this and either the plan developer owes it to the Township or the Township would somehow figure out how to close the gap.

Mr. McDermott said the obligation of that property owner to build the sidewalk is a matter between the Township and that adjacent property owner. He said whether it wasn't completed to date because there wasn't anything beyond that property or that there was some additional sewer work to be done isn't clear at this time. He said if there is a gap and it needs to be filled, as the engineer said, the Township would deal with it with the property owner or otherwise.

Mr. Cosnek said there isn't anything to say that the property owner beyond this one wouldn't want to rezone their property as residential, too.

Mr. McDermott said yes, that is a possibility. He said whether and or not the adjacent property would be zoned for residential, if it would be developed for whatever purpose, sidewalks could be installed. He said that whole sector is pretty well side-walked if you look at the maps. He said the engineer might be able to speak about the topographical issues.

Mr. Brett said he didn't see a problem with waiting to install the sidewalks until building permit to figure out the elevation issues and where it would be best located.

Mr. Fitzgerald asked if they would be deferring the sidewalks and not waiving the requirement.

Mr. Brett said they could waive it until the building permit.

Mr. Wachter asked what the requirement would be for the distance the sidewalk would need to be off the edge of roadway.

Mr. Brett said in that area they could be 10 to 15 feet off the roadway if needed. He said it doesn't have to run directly beside the road.

Mr. Wachter said that would run it into the hillside.

Mr. Brett said the location is flexible; they could put it adjacent to the roadway, 3' off the road, or 5' off the road, or 10' if needed. He said the actual location comes down to where it fits. He said the Township's interest is that it is a continuous sidewalk. He said the adjacent property may eventually

have trails going through it so the Township may be going over land to get to the next parcel. He said that was very likely.

Mr. Lutz said the sewer line that has to be extended up there is on the left hand side of Gamble Road if he remembered correctly. He said that bank that Mr. Wachter is talking about is going to have to be graded off in order to get the utilities up there anyway. He said when they grade that off to install utilities, there will be a graded area to install the sidewalk.

Mr. Brett said they are going to leave a bench there. He said the sewer extension is under design right now.

Mr. McDermott said if that is the case, there could be an escrow arrangement or some kind of arrangement to defer.

Mr. Cosnek asked who was building the sewer – the Township.

Mr. Brett said the Township is designing and permitting the sewer and then the applicant would build it.

Mr. McDermott said the applicant would dedicate it to the Township after that.

Mr. Cosnek asked if that was typical with developers.

Mr. Brett said yes, for this type of lot arrangement. He said the Township always has the right to extend the sewer for development. He said they have done this numerous times in the Township.

Mr. Lutz said they might have to take that existing sidewalk out to put the sewer in.

Mr. Brett said there is a piece of the existing sidewalk that would have to come out and then it would be part of restoration.

Mr. Brett made the following comments:

We have completed our review of the above referenced Subdivision Plan, dated August 2, 2013, last revised September 7, 2013, as received by our office September 16, 2013. This application proposes to create two lots from one existing lot. The property is currently zoned CE – Civic and Educational. The applicant has submitted an Application for Zoning Change to rezone the property to R-2 Suburban Residential. The property is located along the western side of Gamble Road.

Previous comments may be found in our letter dated August 30, 2013. The items in italics are previous comments, which have not been resolved as of the date of this letter.

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

## Zoning

1. The ordinance allows Single Family Dwellings as a Conditional Use in the CE Zoning District. (Section 204.2.B.) **Previous Comment:** *The applicant has submitted an Application for Zoning Change to rezone the property to the R-2 District. Single Family Dwelling is a Permitted Use in the R-2 District.* **Status: Pending.**
2. The Ordinance requires a 150' minimum lot width in the CE District. (Section 204.3.) **Previous Comment:** *The applicant has submitted an application for Zoning Change to rezone the property to the R-2 District. The plan conforms to the 100' minimum lot width required in the R-2 District.* **Status: Pending.**
3. The Ordinance requires a 30' minimum front yard setback CE District. (Section 204.3.) **Previous Comment:** *The zoning table indicates a 15' minimum front yard setback. The applicant has submitted an application for Zoning Change to rezone the property to the R-2 District. The 30' minimum front yard setback required in the R-2 District is shown on the plan.* **Status: Pending.**
4. The Ordinance requires a 50' minimum side yard setback CE District. (Section 204.3.) **Previous Comment:** *The applicant has submitted an Application for Zoning Change to rezone the property to the R-2 District. The 15' minimum side yard setback required in the R-2 District is shown on the plan.* **Status: Pending.**
5. The Ordinance requires a 30' minimum rear yard setback CE District when adjoining non-residential districts. (Section 204.3.) **Previous Comment:** *The applicant has submitted an Application for Zoning Change to rezone the property to the R-2 District. The 35' minimum rear yard setback required in the R-2 District is shown on the plan.* **Status: Pending.**

## Subdivision

1. The Ordinance requires sanitary sewer service by provided to each lot. (Section 502.) **Previous Comment:** *Provide documentation the Planning Module has been approved by the DEP.* **Status: No Change. The applicant is required to complete the Planning Module.**
2. The Ordinance requires sidewalks along the full frontage of arterial and collector streets. (Section 504.(b).) **Previous Comment:** *The applicant's consultant has provided a written request for a waiver of the sidewalk requirement.* **Status: Pending.**

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

Mr. McDermott said the Board could make a decision on the application and the sidewalk waiver this evening if they so desired. He noted that since there is another Planning Commission meeting before

this would go to a public hearing, if the Board didn't feel comfortable with making a decision on the waiver application, they have the luxury of time on this if needed.

Mr. Brett said it made the most sense to have the applicant submit the location of the sidewalk with the building plans so it could be part of that process. He said this way the Board is not waiving the sidewalk, it has to be built.

Mr. Fitzgerald agreed.

Mr. Brett said depending on where they end up with the sewer, it may all work out grading wise that the plateau would already be there for them to install the sidewalk.

Mr. Wachter said that made a lot of sense. He said he didn't know exactly where the sewer was going. He said he assumed it was across the street and would go under Gamble Road and come up that side of the street and extend to the property.

Mr. Cosnek asked where the sewer was located now.

Mr. Lutz said it is located on the left hand side of the road.

Mr. Wachter said in relationship to Holly Hills, it is across from the last lot.

Mr. Brett said his review comments may seem like a lot is missing, but if the re-zoning is approved most of those setback comments would go away. He said the only other comment he had was on the planning module. He said that would not impact the Planning Commission's approval process because it could be a condition.

Mr. Fitzgerald said the two applications are running together to streamline the process, but it seems like there are all kinds of issue here that need to be addressed and we are going to have another Planning Commission meeting before the public hearing so. . .

Mr. McDermott said they would not be delaying what he said about the efficiency in getting it to the Supervisors because that is on the same time line as it is. After hearing the Board's discussion about the sidewalk waiver issue, he said there is coincidentally another Planning Commission meeting before the public hearing. He said the public hearing would be on October 22 for the rezoning. He said there would be a Planning Commission meeting on October 15, so if the Board was unsure about making a decision now, they could wait until the October meeting. He said the Board does have the luxury of time if they wish to defer the sidewalk waiver decision. He said they could recommend in favor of the waiver, recommend against it, make an affirmative non-recommendation, or table that issue subject to receiving further information if needed.

Mr. McKeegan asked if he could make a request to make a motion to recommend approval of the subdivision subject to the rezoning being approved and a recommendation that the supervisors deny the request for the waiver on the sidewalks. He said they could work out the specifics of the sidewalks with the engineer during the building plan process. He said that way they wouldn't have to come back to the Planning Commission again and could work out the details with Mr. Brett and take this to the Board of Supervisors.

Mr. Fitzgerald said that all sounds legitimate to him if everyone else was in agreement.

The Board agreed.

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

**A MOTION WAS MADE BY Mr. FRED LUTZ, SECONDED BY Mr. DAVE COSNEK, AND CARRIED, TO DENY THE REQUEST FOR A SIDEWALK WAIVER.**

<b>ROLL CALL:</b>	<b>DAVE COSNEK</b>	<b>YES</b>
	<b>FRED LUTZ</b>	<b>YES</b>
	<b>CHUCK KYLE</b>	<b>YES</b>
	<b>BILL FITZGERALD</b>	<b>YES</b>

**A MOTION WAS MADE BY Mr. CHUCK KYLE, SECONDED BY Mr. FRED LUTZ, AND CARRIED, TO RECOMMEND APPROVAL TO THE BOARD OF SUPERVISORS FOR THE SUBDIVISION PLAN SUBJECT TO THE PENDING REZONING APPLICATION FIRST BEING APPROVED BY THE BOARD OF SUPERVISORS AND SUBJECT TO SATISFYING ALL OUTSTANDING COMMENTS OF THE TOWNSHIP ENGINEER.**

<b>ROLL CALL:</b>	<b>DAVE COSNEK</b>	<b>YES</b>
	<b>FRED LUTZ</b>	<b>YES</b>
	<b>CHUCK KYLE</b>	<b>YES</b>
	<b>BILL FITZGERALD</b>	<b>YES</b>

- 3. Application 2013-25 – West Peripheral Hotels** – Application for preliminary and final non-residential land development on two lots totaling 6.1 acres of land located at the end of Sutherland Drive in a B-2 General Commercial District and an I-2 Heavy Industrial District. Note: This property is located in both North Fayette Township and Robinson Township.

Mr. Fitzgerald asked a representative to approach the Board.

Mr. Sutherland approached the Board. He said this project does have some similarities with the last one as far as rezoning. He placed a drawing on the Board for the Planning Commission to view. He said the property is located on Sutherland Drive near Costco in Robinson. He said it is behind IHOP on the cul-de-sac. He said they are proposing two hotels, the Fairfield Inn and Towne Place Suites that are both Marriott products. He said the total area of the hotel development is about 11.5 acres. He said the lot that would impact North Fayette Township is about six acres and would be subdivided. He said about two of those acres are in North Fayette and the rest of the development would be in Robinson Township. He said access to the plan would be off Sutherland Drive in Robinson. He said they have submitted for land development approval, but at this point, they are not at a stage of requesting approval. He said they would need to come back, but wanted to come and present the plan to the Board. He said the current zoning map shows the property as having a division between I-2 and B-2. He said the majority of the property is located in B-2, but there is a little bit of it in I-2. He said that they did meet with Ms. Ludwig, Mr. McDermott and Mr. Brett to review the zoning situation. He

said Ms. Ludwig's letter explains that the Township would pursue that zoning change. He said once there would be clarification that the entire area is zoned B-2, they could move forward with the land development process. He said again, they do have the land development plan submitted, it has been reviewed by the Township Engineer and they have a comment letter in which they would address. He said his main interest this evening is to give the Board an introduction to the development so the Planning Commission is aware of the plan and the reason for the zoning change.

Mr. Fitzgerald asked what the applicant's time frame was to have the project completed.

Mr. Sutherland said they are hoping to be back in front of the Planning Commission next month. He said it is going to depend on the rezoning situation, but at the latest they would like to be through the process by November.

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

Ms. Ludwig made the following comments:

1. This is an application for preliminary and final non-residential land development on two lots totaling 6.1 acres of land located at the end of Sutherland Drive in a B-2 General Commercial District and I-2 Heavy Industrial Zoning District.
2. Please Note: This property is located in both North Fayette Township and Robinson Township and is going through land development approval in both municipalities.
3. A motel/hotel is a permitted use in the B-2 Zoning District but is not a permitted use in the I-2 District. Thus, the property would need to be rezoned to allow for the proposed use. Upon reflection of the current zoning ordinance and map, and of the compatible land uses in the immediate vicinity, it makes sense to rezone the property entirely to B-2. Since the subject property is part of the overall Costco development in Robinson and is accessible via Robinson, rezoning the property to B-2 is logical so that it can be compatible with existing uses such as the I-HOP, Costco, etc., which are for all intents and purposes envisioned as part of the same overall development within that complex. Given the foregoing, it is my recommendation, as well as that of the Solicitor, that the Planning Commission should consider and, if deemed appropriate, that it make a motion tonight, recommending this zoning map amendment and authorizing the Staff to move forward with this potential rezoning. In the interest of time, the Township has agreed to move forward with this potential rezoning. In the interest of time, the Township has agreed to move forward with the rezoning process itself, in lieu of requiring the applicant to initiate that process, provided that the applicant is agreeable to reimbursing the Township for its professional consultant fees relating to same. The applicant has agreed that such fees and costs may be charged back for reimbursement as part of the companion subdivision application plan being filed in conjunction with this land development plan.
4. As mentioned above, the land development plan submitted also reflects that a companion subdivision/lot line relocation involving parcels 413-L-10 and 413-P-3. The subdivision plan application was submitted on September 13, 2013 and will be on the October 15<sup>th</sup> Planning Commission agenda.

5. The proposed land development consists of two hotels, including a Fairfield Inn and a Towne Place Suites (Marriott's version of an extended stay hotel). The portion of the property in Robinson Township is zoned Unified Commercial Development (UCD)/C-3. The Towne Place Suites is located partially in North Fayette and partially in Robinson while the Fairfield In is located entirely in Robinson Township. The hotels will be accessible via a private right-of-way (Rudow Blvd) off of Sutherland Drive in Robinson Township.
6. Once the Towne Place Suites is built, there will be approximately 15 or so acres left to be developed on the North Fayette parcel, about 8 or 9 acres of which are likely usable given the topography of the site.
7. There are no bars, restaurants, and/or banquet or meeting facilities in either hotel. Thus, the parking requirements for a motel/hotel are the only relevant parking requirements that need to be met on the site. Per the plans submitted, the hotel in North Fayette meets the parking requirements outlines in Zoning Ordinance #360.
8. According to the applicant, the stormwater pond behind Costco, which was part of this overall unified development, will support the increased stormwater flow from the site. In addition, several rain gardens are shown on the plans to collect some additional rain water.
9. The additional disturbed acreage will need to be added to the existing NPDES permit for the development. TMI Hospitality Inc. will also need to be added as co-applicant.
10. Per the Allegheny County Subdivision and Land Development Ordinance, all paper plans submitted for recording must have both the embossed and ink seal of the PA licensed surveyor who prepares the plans. The plans submitted did contain both seals. Please make sure the plan for recording also has both the embossed and ink seals.
11. In addition, the County's SALDO requires that all signatures be made in permanent nave blue ink or felt tipped pen.
12. Refer to any comments from the Township Engineer per LSSE's letter dated September 16, 2013.
13. Refer to any comments from the Township Solicitor.
14. We have not received any comments from Allegheny County at this time. However, their 30-day review period does not expire until early October 2013. I anticipate we will have their comments prior to the next Planning Commission meeting.
15. 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 not complete, pending the stormwater issues and other miscellaneous items that need to be addressed per LSSE's review letter and pending the subdivision application that will be reviewed in October. Ms. Ludwig recommended that the Planning Commission make a motion to move forward with the rezoning of the property. Furthermore, Ms. Ludwig recommended that the Planning Commission reject the application as administratively incomplete. If so rejected, the applicant can resubmit a revised set of plans by October 1<sup>st</sup> for the October 15<sup>th</sup> meeting.

Ms. Ludwig showed on the zoning map in the board meeting room exactly where the I-2 and B-2 zoning split is located. She said the property is all owned by the developer. She said she has prepared a map that would be forwarded to the county tomorrow if the Planning Commission makes a favorable motion.

Mr. Cosnek asked if the zoning line did not follow the property lines.

Ms. Ludwig said apparently not. She said it is hard to say what the original intent was and why that is the way it is on the map, whether it was an intended error or even if they want to call it an error. She said it is something that they need to address and something that they noticed while reviewing the application.

Mr. Sutherland asked if he could make a quick comment. Going back to the old zoning map, he said there was a hand drawn very schematic map that shows this section is down on Montour Road and is industrial and this is high above and was developed originally as part of the Robinson Peripheral and Towne Center development so it was always intended to be commercial. He said there was a line on the zoning map that was drawn as a straight line through there, but obviously the property line zigzags. He said the intent was always that was where the division between zoning was between the properties. He said when it was converted to a digital map, then all of the sudden someone is trying to apply a level that did not exist on that original map.

Ms. Ludwig said the Township doesn't disagree per se, but the Township just wants to fix it.

Mr. McDermott said he does disagree with that, not necessarily with the end result, but he disagrees that this case is shown to be in the nature of the situation that the Township had recently where there was actually a clerical error where we intended to draw a line specifically and there was kind of a 'typo' that led us to put it somewhere else. He said he believes historically in this instance that line did split those properties before the Pointe was ever developed and it was carried forward. He said he doesn't believe it was an 'error' per se, but upon reflection had the Township thought about it at the time, it might have done it differently. Having said all of that, we agreed after looking at it that it should be fixed. Not wanting to be on the head of a pin about it so to speak, we've also agreed or agreed to disagree and on not needing to resolve whether it was what he represented or what Mr. Sutherland represented. He said for efficiency sake and result sake, the Township has agreed to take on the onus of initiating the zoning change rather than making them be an applicant. He said according to the Municipalities Planning Code, there are two varieties of zoning changes, one is prompted by applicants and one is prompted by the Planning Commission. He said when prompted by others, it has to be taken to the County for a certain period, go to a public hearing in a certain period and brought to the Planning Commission in a certain time period. He said it doesn't have to be brought to the Planning Commission if it emanates from this Board. He said that is why the Township is recommending as a result of this conversation and if the Planning Commission agrees that it would be appropriate, for the Planning Commission itself to recommend the zoning change. If the Planning Commission agrees, then it could be submitted to the County, we could have a public hearing, and then move it to the Board of Supervisors.

Ms. Ludwig said if it could move forward tonight, she could send it to the County tomorrow, meet the 30 days [at the County] and have it go to the public hearing that is already scheduled for the Oct. 22<sup>nd</sup>, and everyone is happy.

Mr. Brett made the following comments:

We have completed our review of the above referenced Land Development application documentation, dated September 3, 2013, prepared by GAI Consultants, Inc., as received by our office September 6, 2013. The Land Development application proposes construction of two hotels. The property is located at the end of Sutherland Drive, and is Zoned B-2 – General Business and Airport Zoning Overlay in North Fayette Township. The property is located within both North Fayette Township and Robinson Township.

The following listing presents items identified during our initial review that do not conform to the Township of North Fayette's Zoning Ordinance (No. 360), Subdivision and Land Development Ordinance (No. 226), and Stormwater Management Ordinance (No. 355).

### Zoning

1. The Ordinance divides the Township into Zoning Districts as shown on the Official Zoning Map. (Section 201.) **Status: This property may be located in both the I-2 and B-2 districts. The zoning district boundary, as shown on the Township Zoning Map, should be shown on the plan. Should the property be located partially in the I-2, LSSE reserved the right to revise the review based on the zoning district line determination.**
2. The Ordinance allows a minimum lot area of 20,000 SF and maximum building coverage of 80%. (Section 204.3.A) **Status: The lot area indicated on the Zoning Chart does not correspond with the existing lot area. This value appears to reflect the proposed lots noted on the overall site plan. A subdivision plan and application has not been submitted.**
3. The Ordinance requires a 30' front building setback, 20' side building setback where not adjoining residential districts and a 30' side building setback where not adjoining residential districts. (Section 204.3.A.) **Status: Existing lot lines are shown on the Overall Site Plan (Sheet 4 of 35). Building lines have not been shown along the lot line between Parcel 413-P-3 and Parcel 413-L-10. The proposed Towneplace Suites Building crosses the existing lot line. It is noted on the Overall Site Plan that a Subdivision Plan will be submitted under a separate application. It appears as the proposed lot lines are shown on subsequent sheets in the submitted plans. A subdivision plan application must be submitted for the site. The land development plan must be revised to show the proposed lot lines and corresponding building setbacks.**
4. The Ordinance requires clear sight distance be maintained. (Section 204.6.A.(3).) **Status: Identify the required and available sight distances on the Site Plan.**
5. The Ordinance requires Bufferyard C where adjoining I-1 or I-2 Districts. (Section 205.3. and 205.3.C.) **Status: Not provided. A 10' landscaping has been shown on the site plan.**
6. The Ordinance requires 20% of the interior parking area be landscaped. (Section 206.1.C.) **Status: Provide a tabulation of proposed parking area and interior landscaped area in North Fayette Township.**

7. The Ordinance requires one internal landscape island for every 10 parking spaces. Landscape islands shall be a minimum of 10' wide. (Section 206.2.B.(2).(b).) **Status: Provide a tabulation of parking spaces and islands located in North Fayette Township. Proposed islands in North Fayette scale to less than 10' wide.**
8. The Ordinance requires a maximum of 10 parking spaces in an unbroken row. (Section 206.2.B.(2).(c).) **Status: The plan proposes rows of 11 parking spaces.**
9. The Ordinance requires 20% of the area occupied by parking spaces be shaded. (Section 206.2.B.(2).(h).) **Status: provide a tabulation of shaded parking area.**
10. The Ordinance requires one loading berth. (Section 301.D.) **Status: Not provided.**
11. The Ordinance prohibits parking spaces located within 5 feet of any lot line. (Section 306.B.) **Status: parking spaces are located along the existing lot line at the municipal boundary. Parking spaces are also proposed along the proposed lot line, as shown on the site plan.**
12. The Ordinance requires that no erosion may occur. (Section 908.) **Status: A Soil Erosion and Sedimentation Control plan Narrative has not been provided. Documentation that the Soil Erosion and Sedimentation Control Plan has been reviewed and approved by the Allegheny County Conservation District (ACCD) has not been provided. Provide documentation that the plan has been included as a revision to the existing NPDES Permit and that the Developer has become a co-permittee on the existing permit.**

#### Land Development

1. The Ordinance requires certification and seal of the engineer or surveyor who prepared the plan. (Section 303.4.(c).(3). And 306.(g).(3).) **Status: Not provided.**
2. The Ordinance requires building lines be shown on the plan. (Section 303.4.(c).(16). And 306.(g).(8).) **Status: Existing lot lines are shown on the Overall Site Plan (Sheet 4 of 35). Building lines have not been shown along the lot line between parcel 413-P-3 and Parcel 413-L-10. The proposed Towneplace Suites Building crosses the existing lot line. It is noted on the Overall Site Plan that a Subdivision Plan will be submitted under a separate application. It appears as the proposed lot lines are shown on subsequent sheets in the submitted plans. A subdivision plan application must be submitted for the site. The land development plan must be revised to show the proposed lot lines and corresponding building setbacks.**
3. The Ordinance requires a Geological Report be provided. (Section 303.2.(a).) **Status: The Geologic Report has not been sealed.**
4. The Ordinance requires a Traffic Report and Structural Analysis be provided. (Section 303.2.(d).) **Status: Not provided.**
5. The Ordinance requires a Soil Erosion and Sedimentation Control Plan be provided. (Section 303.2.(c).) **Status: A Soil Erosion and Sedimentation Control Plan Narrative has not been provided. Documentation that the Soil Erosion and Sedimentation Control Plan has been reviewed and approved by the Allegheny County Conservation District (ACCD) has not been**

**provided. Provide documentation that the plan has been included as a revision to the existing NPDES Permit and that the Developer has become a co-permittee on the existing permit.**

6. The Ordinance requires monument and lot markers per Section 501. (Section 306.(g).(15)., and 501.) **Status: Not provided.**
7. The Ordinance requires the development be served by public water. (Section 502.) **Status: A water service availability letter has not been provided.**
8. The Ordinance requires the development be served by public sanitary sewers. (Section 502.) **Status: A sewer service availability letter has not been provided.**
9. The Ordinance requires the posting of a Completion Bond. (Section 310.) **Status: An itemized quantity takeoff and unit price cost estimate has not been provided for review. The cost estimate will aid in the determination of the required bond amount.**
10. The Ordinance requires a Development Agreement. (Section 311.) **Status: The Developer should contact the Township Solicitor to initiate the preparation of the Development Agreement.**
11. The Ordinance requires the site grading to comply with the Township Grading Ordinance. (Section 603.1.) **Status: The following comments are made after a review per the Township Grading Ordinance:**
  - A. The Ordinance requires a Soil Erosion and Sedimentation Control Plan be provided. (Section 11.(e).) **Status: A Soil Erosion and Sedimentation Control Plan Narrative has not been provided. Documentation that the Soil Erosion and Sedimentation Control Plan has been reviewed and approved by the Allegheny County Conservation District (ACCD) has not been provided. Provide documentation that the plan has been included as a revision to the existing NPDES Permit and that the Developer has become a co-permittee on the existing permit.**
  - B. The Ordinance requires Fill be placed and compacted in layers of 12 inches or less. (Section 0.(d).) **Status: A detail for fill placement has not been provided.**
12. The Ordinance requires all lots have frontage along the right of way of a public street. (Section 607.2.) **Status: The proposed lot has frontage along a private roadway.**

#### Stormwater Management

1. The Ordinance requires stormwater management to be addressed for all land developments (Sections 105.E., and 804.) **Status: Provide a copy of page 9 of Robinson Town Centre Phase II Stormwater Management Plan referenced in the letter from GAI Consultants dated August 30, 2013 for confirmation of required documentation and calculations. If previously approved, provide confirmation of approval by North Fayette Township.**
2. The Ordinance requires a key map showing the development site's location within the designated watershed and watershed subsheds. (Section 402.B.1). **Status: Not provided.**

3. The Ordinance requires the preliminary plan include typical cross-sections for all proposed channels showing existing and proposed elevations together with the high water elevations expected from the 100-year storm. (Section 402.B.14.) **Status: Not provided.**
4. The Ordinance requires the Stormwater Management Report be sealed by a professional engineer. (Section 402.B.16.) **Status: The PCSM Report has not been sealed by a Professional Engineer. Address PCSM for each municipality individually. Provide a separate BMP maintenance plan for each municipality.**
5. The Ordinance requires the location, dimensions and design details be shown on the final plan. (Section 402.C.3.) **Status: The 48” capture and reuse storage pipe shown in the PCSM are not shown on the Land Development Plan.**
6. The Ordinance requires the staging of earthmoving activities and schedule for the installation of stormwater control measures be provided. (Section 402.C.8) **Status: A construction sequence has not been provided.**
7. The Ordinance requires a Soil Erosion and Sedimentation Control Plan be provided. (Section 701.) **Status: A Soil Erosion and Sedimentation Control Plan Narrative has not been provided. Documentation that the Soil Erosion and Sedimentation Control Plan has been reviewed and approved by the Allegheny County Conservation District (ACCD) has not been provided.**
8. The Ordinance requires a Stormwater Maintenance Agreement be signed and recorded. (Section 803.C.1.) **Status: A copy of the signed and recorded stormwater Maintenance Agreement (sample attached) has not been provided.**
9. The Ordinance requires payment to the Stormwater Facility Maintenance Fund for privately owned and maintained facilities. (Section 803.D.1.a., and 902.C.) **Status: Not provided.**
10. The Ordinance requires the control of post-construction stormwater impacts and compliance with state water quality requirements through BMPs including replication of pre-construction stormwater infiltration conditions. (Section 804.C.) **Status: Provide dewatering times for the proposed rain gardens and PADEP Water Quality Compliance Worksheet.**

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

The application, as submitted, does not conform to the Township of North Fayette’s Zoning Ordinance (No. 360), Subdivision and Land Development Ordinance (No. 226), and Stormwater Management Ordinance (No. 355). Additional comments may be made and we reserve the right to comment further pending submission of revised plans.

Ms. Pierce submitted the following comments:

We received the above referenced application from both municipalities (North Fayette & Robinson Townships) on 6 September 2013. We have reviewed the plans and other materials and offer the following comments:

### **Subdivision**

According to a note on the Overall Site Plan (sheet 4 of 35), the site will be subdivided under a separate application. We recommend that a preliminary subdivision record plan be submitted with the site development plans, however. It will be easier to make adjustments, if any are needed, between the site and the subdivision plans before approvals are granted or road/building layouts are finalized.

### **Site Development**

The Overall Existing Conditions Plan (sheet 3 of 35) shows two pipeline easements crossing the site at the southerly end of the buildable area. There is no indication on the plans that there are existing pipes in either easement or that any pipelines will be located. The geotechnical investigation report by ACA Engineering, Inc., §6.1.1 Site Preparation, recommends that all of the utilities be removed or relocated “as necessary” to accommodate proposed construction. It would be useful to know now if any pipelines (or easements) will need to be relocated, based on the current site plans. The developers should have the option of adjusting the plan to avoid pipeline relocations if it is feasible to do so.

Is there any possibility of tours using either of the proposed hotels? If so, there may be a need for an access route and parking space/s that is accessible to busses.

The proposed outdoor light fixtures should be provided with cut-offs or shielding to prevent glare and light spill into the night sky.

Mr. Fitzgerald said to summarize, the Board should reject this application as administratively incomplete and then the Planning Commission should recommend to the Board of Supervisors that this property should be rezoned from I-2 to B-2.

Mr. McDermott clarified it as “that those portions of the parcel that are presently I-2 should be changed to B-2 so that the entire parcel would be B-2.”

Mr. Cosnek asked if some of that parcel lays over the slope in the industrial part so that if they decided to sell off the lower part to somebody down below that it would be an issue that at some time it would need to go back from a B-2 to I-2.

Mr. Fitzgerald said that part is out of North Fayette anyway, isn't it, the heavy industrial down at the bottom of the hill.

Mr. Cosnek said part of it is.

Ms. Ludwig said this map shows it a little better. She presented the map to the Board.

Mr. Sutherland said the piece that goes down over is a hillside that is not usable land.

Ms. Ludwig and Mr. Sutherland pointed out the parcel lines on the map and the North Fayette, Robinson and Moon Township lines.

Mr. Fitzgerald said part of this parcel would be in North Fayette then.

Ms. Ludwig said yes, the part going down the hill by H & K Equipment.

Mr. Sutherland said one of the buildings would straddle the Township line between North Fayette and Robinson. He said the other building would all be in Robinson. He said the half of the building that would be in North Fayette would be construction on the usable part of the parcel and everything else drops down a steep slope to the industrial area.

Mr. Fitzgerald said that is 413-L-10 and 413-P-3. He asked if there were any other comments or questions. Hearing none, he asked the Board for a motion.

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

<b>ROLL CALL:</b>	<b>DAVE COSNEK</b>	<b>YES</b>
	<b>FRED LUTZ</b>	<b>YES</b>
	<b>CHUCK KYLE</b>	<b>YES</b>
	<b>BILL FITZGERALD</b>	<b>YES</b>

**A MOTION WAS MADE BY Mr. DAVE COSNEK, SECONDED BY Mr. FRED LUTZ, AND CARRIED, TO RECOMMEND TO THE BOARD OF SUPERVISORS TO MOVE FORWARD ON THE REZONING OF PARCEL NO. 413-L-10 AND NO. 413-P-3 FROM AN I-2 HEAVY INDUSTRIAL ZONING DISTRICT TO A B-2 GENERAL COMMERCIAL DISTRICT SUCH THAT THOSE PARCELS IN THEIR ENTIRETY WOULD BE B-2.**

<b>ROLL CALL:</b>	<b>DAVE COSNEK</b>	<b>YES</b>
	<b>FRED LUTZ</b>	<b>YES</b>
	<b>CHUCK KYLE</b>	<b>YES</b>
	<b>BILL FITZGERALD</b>	<b>YES</b>

Mr. McDermott said he wanted to make a comment for efficiency sake to save on letter writing. He said he wanted to follow up on his previous comments about whether this was a clerical mistake versus a matter that should have been different on reflection, and whether this should be an applicant-initiated or Township initiated rezoning, and what we have agreed. He said he would like to have it reflected in the minutes that we [the Township] have agreed to be the prompter of the rezoning change; however, they [applicant] has graciously agreed that they would reimburse the Township for the professional fees associated with this as if it were an applicant-filed rezoning change, and those fees are to be included in the subdivision application as opposed to the land development application. He said the property owner of the subdivision application has agreed to do that. He asked if that was an accurate statement.

Mr. Sutherland said that was correct.

Mr. Fitzgerald asked Mr. Sutherland if he agreed to that.

Mr. Sutherland said yes. He said he didn't mean to imply that it was an error, but just a matter of interpretation.

Mr. Cosnek asked how the taxes from this development would be determined.

Mr. McDermott said it was not his area of expertise, but that they are looking into it.

Mr. Lutz said they could end up in court again like the hotel in Moon with the parking lot in North Fayette.

Mr. Sutherland said it isn't that rare, there are buildings that split county lines as well. He said it would be done on a percentage basis.

Mr. McDermott said there is a lot of precedence on it. He said residential might be handled differently than commercial. Most of the law actually came out of the county cases, but they apply it to the townships now.

**4. Sewage Facilities Planning Module – North Fayette Township Community Center – Application for Township approval of sewage planning module for the Township's new Community Center.**

Mr. Fitzgerald asked a representative to approach the Board.

Mr. Brett said the DEP now requires anybody that wants to tributary to Alcosan must do a full planning module. He said the community center is only 4 EDUs and in the past that would have been a one page simple postcard. Now they require the full planning process so the Township started this process four months ago. He said Alcosan finally signed it and sent back their portion saying that they have the capacity to treat the sewage and have capacity to transport it through their system for dry weather flow. He said they do have wet weather issues both at the plant and the interceptor. He said the Township has two sections to fill out, one that the Planning Department has to complete and present it to the Board that they are requesting 4 EDUs. He said the area tributary to this is all new. He said it actually comes down past the building and goes down to Robinson Run. He said that section doesn't have any issues until it actually gets into Oakdale and then there is constriction there for wet weather only and the pump station has an overflow for when there are large, large rain events. He said the dry weather flow is fine and the same as what it is at Alcosan. He said the Planning Commission just needs to give acknowledgement that they recommend the Township moves forward with it and then the Board of Supervisors would take action on it. He said this is something that all development has to do now, including the house that we were discussing previously. He said he wasn't sure if Mr. Quattlebaum realized it, but it was listed as one of his comments. He said it can take six to eight months from the first paperwork until the last comes back. He said the Township has been through the process, but each one of these applicants has to go through the process even if it is just one house. He said there are no waivers on Alcosan right now. He said hopefully that will be resolved in the next few years, but right now everybody that would be going to Robinson Run has to go through this. He said they just need a recommendation from the Planning Commission and then Ms. Ludwig would fill out the form and sign it and then it goes to the Township Manager.

Mr. Lutz said if they deny it, then they can't build the building, right. He said they have to think about the taxes.

Mr. Brett said they could build the building, but not go to the bathroom.

The Board laughed.

Mr. Fitzgerald said he wants Mr. Grimm to promise that he is going to pave Mahoney Road next year or he doesn't get his sewage plan.

Mr. Lutz said they have to hold something hostage here.

Mr. Brett said they would let him know.

Ms. Ludwig said he will see it in the minutes.

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

**A MOTION WAS MADE BY Mr. FRED LUTZ, SECONDED BY Mr. DAVE COSNEK, AND CARRIED, TO RECOMMEND TO THE BOARD OF SUPERVISORS TO ACKNOWLEDGE THE SEWAGE PLANNING MODULE FOR THE TOWNSHIP'S NEW COMMUNITY CENTER AND THAT THE TOWNSHIP MOVE FORWARD ON IT.**

<b>ROLL CALL:</b>	<b>DAVE COSNEK</b>	<b>YES</b>
	<b>FRED LUTZ</b>	<b>YES</b>
	<b>CHUCK KYLE</b>	<b>YES</b>
	<b>BILL FITZGERALD</b>	<b>YES</b>

**COMMENTS:**

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

Ms. Ludwig said she had a few quick comments. She said the ASA was approved. She said the comprehensive plan is moving along and she now has five chapters completed.

Mr. Cosnek said it was five chapters last month.

Ms. Ludwig said it was four and half. She said she has completed the land use chapter which was still hanging last month and has started chapter six.

Mr. Cosnek asked if there would be a comprehensive plan meeting in October.

Ms. Ludwig said probably not. She said she would be more than happy to share those with the Planning Commission if anyone is interested in reading what is done up to this point. She said the vision chapter that has goal statements for the future is done and the land use chapter. She asked board members to send her an email if interested in reading it and she can scan it and sent it to them as a PDF. She said she is hoping to have the entire comprehensive plan completed by the end of the year.

Ms. Ludwig said in addition to the zoning changes that came up tonight, the Hobby Farm that the Planning Commission has already talked about has been sent to the county and would also be on the October 22 public hearing agenda. She said the other application that would be on that agenda is for Derosky/Quinn and has to do with 228, 234 and 236 West Allegheny Road. She said this one is fixing a zoning issue.

Mr. McDermott said this one is the error that the last one wasn't. He said in 1999, three parcels were rezoned on West Allegheny Road.

Mr. Fitzgerald said the one that has the Vision Center on it. He said Jim Quinn's house was right beside it so he had his son put his building on it and back in the day of Pie . . .

Mr. McDermott said back in the 'Day of Pie' sounds like a movie. He said yes, back in the day in 1999, they rezoned these three parcels. When the 2004 Zoning Ordinance and Map were enacted, the new Map did not reflect the previous zoning change for those three parcels. He said the Township is instigating the rezoning of those three parcels to correct that error.

Ms. Ludwig asked if they should make a motion to move forward on that.

Mr. McDermott said yes. He said the Board sounds familiar with the property, but maybe they should take a moment and go over it.

Mr. Fitzgerald asked what they plan to do.

Mr. McDermott said they are simply going to make the Zoning Map match what was done in 1999. He said it was a mistake to not include the 'color change' of those three parcels when the zoning map was done in 2004.

Mr. Fitzgerald said those three parcels can't amount to any more than 2 ½ acres.

Mr. McDermott said they can't and perhaps if they were doing this right now, they could say they don't agree with rezoning of those three parcels. He said that was done in 1999 and was never challenged and has an existing building and business on it. He said they have title issues and refinance issue based on the fact that somebody doing title work has said the zoning map doesn't match what the zoning is so please check into it. When they checked into it with us, we discovered that the 2004 map didn't match the 1999 zoning change.

Mr. Cosnek asked what it is zoned now.

Ms. Ludwig said R-2.

Mr. McDermott said the map depicts it as R-2. He said the ordinance that was enacted in 1999, changed those properties to B-1. He said they can't just change the color on the map; they have to follow MPC procedure to correct it.

Board members expressed that this was possibly spot zoning.

Mr. Cosnek said the building and business was build according to the zoning that was approved at the time.

Mr. McDermott said that was correct.

Mr. Cosnek said this is a map error, essentially.

Mr. McDermott said yes, and they admit it was a map error. He asked Ms. Ludwig if she would get a copy of the map.

Mr. Fitzgerald said while they are waiting, he asked if anybody knew how things were progressing on Cliff Mine Road. He said he knew they had installed the bridge abutments and there was a crane there yesterday morning that installed the beams.

Mr. Brett said most of the PennDOT bridge projects are running about a month behind schedule at this point.

Ms. Cherico said the Township was originally told by PennDOT that completion was expected by mid to end November.

Mr. Brett said he wouldn't be surprised if they were running a little behind schedule. He said there are a couple of projects in Scott Township that were scheduled to be done in September and are now slated for completion in November. He said they were told they are running behind because of the flooding.

Mr. Fitzgerald said they have been working on the Cliff Mine Road project every day. He said he drives by there and sees them working every day. He said it isn't like they have been taking time off from the project or the weather has hampered them.

Mr. Brett said he would check with Mr. Felton, public works director, tomorrow since he receives regular updates.

Ms. Ludwig returned with the map and showed the Board the properties. She said the properties are residential according to the map and the property owners want them to be commercial because that was what was approved previously. She said in the letter that is drafted to the county, the Township said they would look at the broader area with the comprehensive plan and new zoning map to see if Village might be a better district for that whole area with the existing mix of residential and commercial uses.

Mr. Fitzgerald said it needs to be changed now and then we would need to change it again.

Ms. Ludwig said it needs to be fixed now and then it could be changed when the entire zoning map is done after the comprehensive plan.

Mr. Kyle said we need to do this because they are trying to obtain a loan and it is being held up now.

Ms. Ludwig said he is trying to sell the property.

Mr. Cosnek said he is trying to sell it for business purposes.

Mr. Fitzgerald said that kind of throws a hammer on the house doesn't it.

Ms. Ludwig said the owner rezoned the three properties in order to build the business.

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

**A MOTION WAS MADE BY Mr. DAVE COSNEK, SECONDED BY Mr. FRED LUTZ, AND CARRIED, TO RECOMMEND TO THE BOARD OF SUPERVISORS TO MOVE FORWARD ON THE DEROSKY/QUINN ZONING CHANGE FROM R-2 SUBURBAN RESIDENTIAL TO B-1 NEIGHBORHOOD COMMERCIAL FOR PARCELS 691-E-7, 800-M-17 AND 800-M-15 ON WEST ALLEGHENY ROAD.**

<b>ROLL CALL:</b>	<b>DAVE COSNEK</b>	<b>YES</b>
	<b>FRED LUTZ</b>	<b>YES</b>
	<b>CHUCK KYLE</b>	<b>YES</b>
	<b>BILL FITZGERALD</b>	<b>YES</b>

**ADJOURNMENT:**

**A MOTION WAS MADE BY Mr. FRED LUTZ, SECONDED BY Mr. CHUCK KYLE, AND CARRIED, TO ADJOURN THE MEETING AT 8:40 P.M.**

Respectfully submitted,

Cheryl Cherico  
Planning Commission Recording Secretary