

**NORTH FAYETTE TOWNSHIP
PLANNING COMMISSION**

**REGULAR MEETING
TUESDAY, JANUARY 19, 2016
7:30 P.M.**

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

MEMBERS PRESENT:

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

OTHERS PRESENT:

Sandra E. Welty, 7321 Noblestown Road, Oakdale
Dale Watcher, Watcher-Willis Consulting, L.P.

REORGANIZATION:

Mr. Cosnek asked for a nomination of Chairman for the Planning Commission for the year 2016.

A MOTION WAS MADE BY Mr. BILL FITZGERALD, SECONDED BY Mr. CHUCK KYLE, AND CARRIED, TO NOMINATE Mr. DAVE COSNEK AS CHAIRMAN FOR THE YEAR 2016.

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

Mr. Cosnek asked for a nomination of Vice Chairman for the Planning Commission for the year 2016.

A MOTION WAS MADE BY Mr. FRED LUTZ, SECONDED BY Mr. BOB OWENS, AND CARRIED, TO NOMINATE Mr. CHUCK KYLE AS VICE CHAIRMAN FOR THE YEAR 2016.

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

Mr. Cosnek asked for a nomination of Secretary for the Planning Commission for the year 2016.

A MOTION WAS MADE BY Mr. FRED LUTZ, SECONDED BY Mr. CHUCK KYLE, AND CARRIED TO NOMINATE Ms. LAURA LUDWIG AS SECRETARY FOR THE YEAR 2016.

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

Mr. Cosnek asked for a nomination of Recording Secretary for the Planning Commission for the year 2016.

A MOTION WAS MADE BY Mr. CHUCK KYLE, SECONDED BY Mr. FRED LUTZ, AND CARRIED TO NOMINATE Ms. DEBBIE MIDGLEY AS RECORDING SECRETARY FOR THE YEAR 2016.

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

UNFINISHED BUSINESS:

A motion was made by Mr. Bill Fitzgerald, seconded by Mr. Chuck Kyle, to approve the minutes from the December 15, 2015 meeting. Motion carried.

NEW BUSINESS:

1. **Application 2015-27 – Welty Plan of Lots – Lot Consolidation Plan** – Application for preliminary and final minor subdivision involving the consolidation of three lots into one lot on 0.26 acres of land located at 7321 Noblestown Road in a V – Village Zoning District. (Allegheny County Lot and Block Numbers 491-E-28, 491-E-29, and 491-E-30)

Mr. Cosnek asked a representative to approach the Board.

Mr. Wachter approached the Board.

Mr. Wachter said he is from Wachter-Willis Consulting representing Sandra Welty. He said the plan is pretty much cut and dry. He said Ms. Welty has an existing three lots. Three different back parcels. He said she would like to combine them into one lot, so she will be able to do the addition she wants. He said it is not on the plans. He said Ms. Welty is going to add an attached garage on to the house. He said the garage would not have been permitted, because it would have been on a separate lot without a residence. He said Ms. Welty would like to consolidate them into one lot.

The Board reviewed the comments made by Mr. Wingrove and Ms. Ludwig.

Mr. Wingrove made the following comments.

We have completed our review of the above referenced Subdivision Plan, dated January 4, 2016, prepared by Wachter-Willis Consulting, LP, as received by our office January 6, 2016. The plan proposes the consolidation of three lots (Lot and Block # 491-E-27, 491-E-28 and 491-E-29). The properties are located with frontage along Noblestown Road and Short Street, and are Zoned V – Village District.

Previous comments may be found in our letter dated January 11, 2016.

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 subdivisions that abut an existing street which has a right-of-way width of less than the Township Construction Standards shall dedicate additional amount of land necessary so that the distance from the center line of the street to the edge of the right-of-way abutting the subdivision is one-half the right-of-way width required by the Township Construction Standards. (Section 205.3.A.) **Previous Comment:** *The subdivision shows dedication of the additional right-of-way required by the Ordinance for Short Street, however, dedication of the additional right-of-way results in encroachment of the existing structures into the right-of-way. The new right-of way shown on this plan shall be a variable width such that there is zero setback in the areas where this encroachment exists. A note should be included on the plan indicating that the additional area shall be dedicated to establish the 25' half right-of-way width by the recording of this plan at such time that the encroaching structure(s) are demolished.* **Status: A note regarding the right-of-way encroachment of the garage has been added to the plan, as requested. The right-of-way shown on the plan should be shown with a variable width providing the 25' half right-of-way, where available, and a width such that there is zero setback at the encroaching structure.**

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 additional comments.

Mr. Wingrove said that he did issue a review letter, the last one dated January 18, 2016. He said he has a couple of items to bring up. He said the first item is not in the review letter. He said it was brought to his attention by Dave Cosnek that the North arrow is turned 180 degrees.

Mr. Wachter responded really.

Mr. Wingrove asked Mr. Wachter when he brings the one that is sealed if you he could flip the North arrow.

Mr. Wachter approached the Board with the plans so they would be able to look at the placement of the North arrow.

There was a brief discussion on whether or not the North arrow was angled correctly.

Mr. Wachter said he would review and revise it.

Mr. Wingrove said the other issue is a little bit odd and involves the new SALDO that was adopted a couple of years ago. He said one of the new requirements in it was that when a new subdivision was fronted by a road but doesn't have the required 50 foot right of way width, that the property on that side of the road dedicate the right of way to get to whatever they need for that half right of way to get to 25 feet. He said Short Street right now is a 40 foot right of way, typically in this situation the lot would dedicate an extra 5 feet to get to 25 feet for that half of the right of way. He said when you do that it puts the existing garage in the right of way. He said they do not want to have Ms. Welty's garage in the Township's right of way. He said when he and Kevin Brett reviewed the plans they came up with a compromise solution. He said he hopes the Planning Commission is ok with the solution. Mr. Wingrove said at this point the plan shows the right of way line just outside of the garage. And note on the plans that if the garage is ever demolished for whatever reason, that is not to say that Ms. Welty has plans to demolish the garage. He said the garage doesn't have to be demolished. He said but if in twenty years, ten years, whenever if that garage goes away with the recording of that plan that right of way line automatically snaps back to give the right of way Ms. Welty is to dedicate now. He said do not force her to demolish the garage now or go through any process like that. He recommended to set it up for the future so that it will be taken care of. He said he thinks a little tweak to just how we show the right of way lines on there existing right now. He said that takes care of that to note that is what would work. He said he thinks it is a good compromise here to get to where we need to be in compliance with the ordinance, but not cause any undo issues to this property.

Mr. Cosnek asked if they need to take a motion to do that.

Mr. McDermott said yes, they can do a motion on that. He said regardless of where Ms. Welty plans to build the new garage, she can use the existing garage as a garden building. He said she does not have to demolish the existing garage. He suggested adding another foot around it on the plan so that it's not on top of the line but within the property.

Mr. Wingrove said the existing line is pretty close from the plan note shows the north side of Short Street and you maybe only have a foot there.

Mr. Owens asked is everything is to scale. He said if it weren't to scale the Planning Commission wouldn't want it to come back and it would be half out into the street. He asked if that were correct.

Mr. Wingrove responded yes. That is correct.

Mr. McDermott asked to give Ms. Welty a little buffer so that there is no doubt that it is inside.

Mr. Wingrove said if the Township wants they could recommend a waiver for this to allow the right of way line to be 1 foot outside the existing location for the garage as it stands today. With a note included on the plan that in the event the garage is ever demolished the right of way snaps back into where it should be based on this plan to get the full half right of way later.

Mr. Kyle asked would it be a formal encroachment then if we granted that or would it not be considered an encroachment because we do grant that.

Mr. Wingrove said it is not an encroachment because the Township would be allowing Ms. Welty to keep the right of way out now. Not give all of the right of way now. He said the Township is avoiding the encroachment for the time being. He said forever until such time that the building goes away.

Mr. Cosnek asked how should the motion be worded.

Mr. Fitzgerald asked if anyone has any problems with it.

The response was no.

Mr. Fitzgerald asked Mr. Wingrove if he could go through the motion one more time.

Mr. Wingrove responded yes. It would be a motion to recommend a waiver.

Ms. Ludwig said it would be a modification.

Mr. Wingrove clarified it would be a motion to recommend a waiver to allow the right of way line to be shown at a 1 foot set back of the existing garage, with the stipulation that a note be included on the plan such that, if this structure is ever demolished, the remaining right of way be dedicated automatically to achieve the 25 foot half right of way width.

Ms. Ludwig said it would be a modification to section 205.3.A. of the SALDO.

A MOTION WAS MADE BY Mr. BILL FITZGERALD, SECONDED BY Mr. BOB OWENS, AND CARRIED TO RECOMMEND APPROVAL OF THE MODIFICATION OF SECTION 205.3.A OF THE SALDO TO ALLOW THE RIGHT OF WAY LINE TO BE SHOWN AT A 1 FOOT SET BACK OF THE EXISTING GARAGE, WITH THE STIPULATION THAT A NOTE BE INCLUDED ON THE PLAN SUCH THAT, IF THIS STRUCTURE IS EVER DEMOLISHED THE REMAINING RIGHT OF WAY BE DEDICATED AUTOMATICALLY TO ACHIEVE THE 25 FOOT HALF RIGHT OF WAY WIDTH.

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

Ms. Ludwig made the following comments:

I have reviewed the revised application submitted for preliminary and final minor subdivision and my comments are as follows:

1. This is an application for preliminary and final minor subdivision involving the consolidation of three lots into one lot on 0.26 acres of land located at 7321 Noblestown Road in a V – Village Zoning District (Allegheny County Lot and Block Numbers 491-E-28, 491-E-29, and 491-E-30).
2. The owner of the three parcels, Ms. Sandra Welty, is currently in the process of renovating the house located at 7321 Noblestown Road. The consolidation of the lots will allow her to add a garage onto the home but still remain within the required side and rear yard setbacks of the Village District.
3. The majority of the plan presentation issues discussed at December’s Planning Commission meeting have been resolved, including the need for the labeling of setbacks and the inclusion of a location map, the zoning table, the required FEMA floodplain note, and the lot corner markers have been shown on the plan, among other items.
4. There is one existing non-conformance to note, the existing dwelling and accessory structure do encroach on the required 15 foot front setback.
5. The applicant requested a sidewalk waiver. However, sidewalks are not required to be installed for minor subdivision applications per the updated Subdivision and Land Development Ordinance (SALDO), Chapter 22 of the Township Code of Ordinances, Ordinance No. 418. Thus, please disregard this request.
6. 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.

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 most recent letter dated January 11, 2016.
9. Refer to any comments from the Township Solicitor.
10. A copy of the lot consolidation plan was submitted to the Planning Division of the Allegheny County Department of Economic Development (ACDED). They did provide a comment letter, dated January 6, 2016, but the review was of the original plan prepared by Mr. Carlisle and not the revised plan submitted by Mr. Wachter.
11. Please note: the applicant is responsible for all engineering, legal, and other related review fees associated with this application and if the escrow deposit is depleted, they will be billed for any remaining fees owed and asked to replenish the escrow account.

At this time, the application can be considered complete, pending the resolution of the items stated in this review letter and LSSE's review letter. Therefore, I recommend that the Planning Commission make a motion to recommend that the Board of Supervisors approve the Welty Lot Consolidation Plan, contingent upon all items being addressed in this review letter dated January 15, 2016 and LSSE's review letter dated January 11, 2016.

Ms. Ludwig made some additional comments.

Ms. Ludwig said Mr. Wachter fixed up the plan presentation things that were missing from the older version of the plans. She said at this point the Commission already discussed the modification that came up with the right of way issue. She recommended that the Planning Commission recommend approval to the Board of Supervisors contingent upon the items addressed in Lennon Smith's review letter most recently dated January 18, 2016 and the Township review letter dated January 15, 2016.

Mr. Cosnek asked if these comments include checking the North arrow and the various issues.

Ms. Ludwig said yes.

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

A MOTION WAS MADE BY Mr. BILL FITZGERALD, SECONDED BY Mr. BOB OWENS, AND CARRIED, TO RECOMMEND APPROVAL OF THE WELTY PLAN OF LOTS LOT CONSOLIDATION PLAN TO THE BOARD OF SUPERVISORS.

ROLL CALL:	BILL FITZGERALD	YES
	FRED LUTZ	YES
	CHUCK KYLE	YES

DAVE COSNEK
BOB OWENS

YES
YES

Mr. Cosnek asked if there were any further comments.

There were none.

ADJOURNMENT:

A MOTION WAS MADE BY Mr. BILL FITZGERALD, SECONDED BY Mr. CHUCK KYLE AND CARRIED, TO ADJOURN THE MEETING at 7:45 PM.

Respectfully submitted,

Debbie Midgley
Planning Commission Recording Secretary

