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NORTH FAYETTE TOWNSHIP
BOARD OF SUPERVISORS
PUBLIC HEARING

- - - - -

IN RE:)
)
Application of Oakdale)
Properties, LLC, to amend)
the Official Zoning Map)

- - - - -
North Fayette Township
Community Center
580 Donaldson Road
Oakdale, PA 15071
January 24, 2023; 6:45 p.m.
- - - - -

BEFORE: A. James Morosetti, Chairman
Robert Doddato, Vice Chairman
Mark O'Donnell, Treasurer
J.R. Mangan, Township Manager
Andrew Hartwell, Assistant
Township Manager
Donald Cokus, Chief of Police
Thomas P. McDermott, Esquire,
Solicitor
Michele M. Cromer, Esquire,
Solicitor

ALSO PRESENT: Marlyn Jordan, Township Secretary
Kevin Brett, Township Engineer
Michael Wozniak, Community Planner
Gary Hamilton, Fire Official
Darlene Hildebrand, Recreation
Director

- - - - -
TRANSCRIPT OF PROCEEDINGS

- - - - -

Reported by:

Leah M. Attanucci
Professional Court Reporter

LaGAMBA REPORTING SERVICES
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Pittsburgh, PA 15205
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I N D E X

EXHIBITS:	MARKED:	ENTERED:
Exhibit Nos. 1-11	7	7

1 P R O C E E D I N G S

2 (6:35 o'clock p.m.)

3 MR. MOROSETTI: I call this
4 hearing to order. Everybody, please stand for
5 the Pledge of Allegiance.

6 (Pledge of Allegiance recited.)

7 MR. MOROSETTI: Roll call, please,
8 Marlyn.

9 MS. JORDAN: Board of Supervisors.
10 Bob Doddato?

11 MR. DODDATO: Here.

12 MS. JORDAN: Jim Morosetti?

13 MR. MOROSETTI: Here.

14 MS. JORDAN: Mark O'Donnell?

15 MR. O'DONNELL: Here.

16 MS. JORDAN: Township Manager,
17 J.R. Mangan?

18 MR. MANGAN: Here.

19 MS. JORDAN: Assistant Township
20 Manager, Andrew Hartwell?

21 MR. HARTWELL: Here.

22 MS. JORDAN: Chief of Police,
23 Donald Cokus?

24 MR. COKUS: Here.

25 MS. JORDAN: Solicitor, Michele

1 Cromer?

2 MS. CROMER: Here.

3 MS. JORDAN: Solicitor, Tom

4 McDermott?

5 MR. McDERMOTT: Here.

6 MS. JORDAN: Township Engineer,

7 Kevin Brett?

8 MR. BRETT: Here.

9 MS. JORDAN: Community Planner,

10 Michael Wozniak?

11 MR. WOZNIAK: Here.

12 MS. JORDAN: Township Secretary,

13 Marlyn Jordan? Here.

14 MR. MOROSETTI: Thank you, Marlyn.

15 New Business. North Fayette Board of Supervisors
16 is holding this Public Hearing to take public
17 comment on the following: the application of
18 Oakdale Properties, LLC, to amend the Official
19 Zoning Map Section 27-301 to change the zoning
20 classification of a portion of the property
21 located at 1 Prion Drive, Oakdale, Pennsylvania,
22 15071, Allegheny Tax ID No. 493-N-2 from the
23 Light Industrial Zoning District designation to
24 the R-2 Suburban Residential Zoning District
25 designation.

1 I will ask anyone who is going to
2 speak, if you're going to speak at this hearing,
3 please stand up and be sworn in.

4 (Witnesses were collectively
5 sworn.)

6 MR. MOROSETTI: Thank you. I'll
7 turn it over to Andrew.

8 MR. HARTWELL: Yes, Mr. Chairman,
9 Members of the Board. Thank you. This evening
10 before you is Application 2023-01-OR to ask for a
11 zoning change. As you mentioned, this is an
12 amendment to the Official Zoning Map to change
13 the zoning classification of a portion of the
14 property located at 1 Prion Drive, Allegheny
15 County Tax Parcel 493-N-2 from the I-1 Light
16 Industrial Zoning District designation to the R-2
17 Suburban Residential Zoning District
18 designation.

19 As required, this application was
20 submitted to the Planning Commission and reviewed
21 at their meeting on January 5. The Planning
22 Commission recommended that the Board of
23 Supervisors grant approval to the application.

24 As the Township's duly-appointed zoning
25 officer, I certify that notice of tonight's

1 hearing was advertised and the subject properties
2 posted pursuant to the requirements of the
3 Municipalities Planning Code.

4 Further, the Township would like to
5 enter into the record the following exhibits:
6 Exhibit No. 1, the application for the zoning
7 change received -- or I -- excuse me, dated
8 December of 2022; Exhibit No. 2, proof of
9 publication in the Post-Gazette published on
10 January 8 of 2023 and January 15 of 2023; Exhibit
11 No. 3, the draft ordinance amendment opposing
12 Ordinance No. 507; Exhibit No. 4, pictures of the
13 property posted; Exhibit No. 5, notification
14 letter to the property owner dated January 9 of
15 2023; Exhibit No. 6, notification letter to the
16 adjacent property owners dated January 9 of 2023;
17 Exhibit No. 7, the Township engineer's review
18 letter dated January 4, 2023; Exhibit No. 8, the
19 Department of Community Development review letter
20 dated January 4, 2023; Exhibit No. 9, the
21 Department of Economic Development review letter
22 dated January 17, 2023; Exhibit No. 10,
23 correspondence received from Oakdale Borough
24 Council dated January 18, 2023; and Exhibit
25 No. 11, the Applicant's presentation at the

1 Public Hearing this evening dated January 24,
2 2023.

3 (Exhibit Nos. 1 through 11 were
4 marked for identification and entered into the
5 record.)

6 I'm happy to answer any questions you
7 may have.

8 MR. MOROSETTI: Thank you. Who is
9 representing Prion? Please come forward. State
10 your name.

11 MR. VICTOR: My name is Steven
12 Victor from Victor-Wetzel Associates. I'm here
13 representing Mr. Prion, who is the owner of the
14 property of Oakdale Properties, LLC.

15 I have a brief PowerPoint presentation
16 I'll be referring to -- at the Public Hearing to
17 introduce the re-zoning to yourselves and to the
18 audience behind me here.

19 So the next slide, please. Oh. I can
20 do it myself here. Thank you.

21 Now, the subject property is outlined
22 in red here (indicating) shown on the Township
23 map. If we zoom in close, we can see that the
24 property, which is about 126 acres in size -- the
25 majority of it is in the R-2 Zoning District.

1 And it is the light blue color right here
2 (indicating) that we are requesting the re-zoning
3 on.

4 Then zooming in closer to it, we can
5 see the re-zoning area is the hatched area. It's
6 currently zoned I-1 Industrial. And we're
7 requesting that the 20 acres be zoned to R-2 to
8 add to the additional 109 acres that are R-2 here
9 on the property.

10 For orientation purposes, here's
11 Oakdale Road (indicating). And here (indicating)
12 is Prion Drive, which is the access into the
13 property. And the second frontage we have is
14 along Whittengale Road.

15 This aerial photograph shows the total
16 129-acre site. And, again, along the north of
17 the 20 acres, this is currently I-1 zoning. And
18 the remainder is R-2. And Prion Drive, our
19 access from Oakdale Road, and Whittengale is
20 along the bottom here (indicating).

21 You can see to our north along Oakdale
22 Road where you have existing I-1 Zoning. There
23 is a creek that runs along this particular area.
24 And so the property runs along Fike Run Creek.
25 And we think that that is the natural buffer to

1 make the transition from the I-1 to our north to
2 the R-2.

3 This is a slope and topographic map.
4 Again, the re-zoning area at the top of the
5 sheet, we're requesting that -- I shouldn't --
6 whoops. Thank you.

7 As you can see, the steep sloped area
8 is primarily here (indicating) in the re-zoning
9 area. And there's only a smaller area over here
10 (indicating) in the northeasterly corner of the
11 center portion which is a somewhat flatter
12 topography of the site.

13 So the Township requires -- and the
14 Applicants know it -- a master plan showing how
15 we would utilize this. And to, I think, have a
16 full understanding of it, we have done the master
17 plan for the entire property, so, again, the
18 existing R-2 portion and then the re-zoned area
19 to R-2 here.

20 Our proposal would have an entrance on
21 Prion Drive and a second entrance on Oakdale --
22 or Whittengale Drive and interconnect those by
23 three streets and two short cul-de-sacs. As
24 shown here, there are 115 single-family lots
25 consistent with the underlying R-2 Zoning.

1 Now, if we look into the detail at that
2 northeasterly corner where we have Prion Drive
3 and we see the existing I-1/R-2 property line, as
4 you can see, the majority of the residential
5 development that we're talking about and the
6 access road to all occur in the existing R-2.
7 And it's only at this interconnect road and to
8 seven lots that are located here (indicating)
9 that really are affected by the re-zoning.

10 Without the re-zoning, then this area
11 right here (indicating) would be developed
12 industrially, commercial in the same manner that
13 the building is here on Prion Drive.

14 As was stated, we made our application
15 for the re-zoning on December 2. And that
16 application included significant information
17 regarding the site, such as the preliminary plan
18 we showed you conceptually showing 115 lots. We
19 presented a topographic face map with the
20 application. We've identified all of the site
21 conditions on the site itself.

22 The re-zoning application asks us,
23 also, to talk about the relationship to other
24 facilities such as schools, shopping areas,
25 access, arterial roads. We identified the

1 flooding situation at the areas. There is no
2 floodplain on the site, but there was previously
3 strip mining and deep mining that will be
4 addressed at the time of land development.

5 We have identified the pre- and
6 post-development infrastructure and submitted
7 along with it a conceptual plan and as I showed
8 to you the 115 lots of which only 8 are in the
9 existing R-2 Zoning District.

10 And as is required, we submitted a
11 buildable area analysis through the code
12 requirement. And of the 20 acres, only 63 lots
13 or -- would be allowed on the site. And as I
14 said, we're only putting 8 single-family lots and
15 not the 63 that is shown here.

16 We did provide information regarding
17 the fiscal impact of it converting from the
18 Industrial to the R-2 showing the tax
19 generations, school generations, et cetera, of
20 improvements, again, specific to just the 20-acre
21 site of the re-zoning.

22 And we had -- we have submitted a
23 geotechnical report talking about the mining
24 conditions, a Phase One Environmental.

25 And as to traffic, the re-zoning area

1 only generates eight single-family lots which
2 would generate about eight peak hour trips which
3 does not come anywhere close to your standard for
4 a -- requiring a traffic study for official
5 re-zoning. Definitely looking from the land
6 development side of this, there would be a
7 traffic study required for the land development
8 side but not here for re-zoning.

9 It comes back to our original slide.
10 What we're looking at here, again, is to convert
11 20 acres of the property from I-1 to R-2.

12 As was put into evidence, there was a
13 letter submitted to -- from the Oakdale Borough
14 Council regarding this. It's unfortunate that
15 maybe they didn't understand that we were only
16 re-zoning 20 acres, not the entire site and that
17 the concerns that they have raised regarding the
18 flooding and traffic are certainly issues
19 relevant to land development. And those will be
20 addressed at the land development time of that
21 application. And, in my opinion, it is not
22 relevant to the re-zoning portion of discussion
23 at this time.

24 Thank you. I'm happy to answer any
25 questions you may have, or we'll take further

1 public comments.

2 MR. MOROSETTI: Any questions for
3 him?

4 MR. DODDATO: I just -- I have
5 one. So I know there's a master plan we're
6 looking at.

7 If for some reason you did not get
8 approval from PennDOT to access Whittengale,
9 would it be of any use to have this zoned
10 residential off of Prion Drive?

11 MR. VICTOR: I'm not even sure why
12 we would have to go and get access off of
13 Whittengale.

14 MR. DODDATO: If PennDOT did not
15 give you a permit.

16 MR. VICTOR: We believe that --

17 MR. DODDATO: I just want to make
18 sure that you're not going to come back with it
19 now and say, oh, PennDOT didn't give us a
20 permit. Now we want to re-zone it back to
21 Industrial because I get it. Industrial has way
22 more options than residential. But I just wanted
23 to make it clear what -- you know, if long term
24 you can't do a master plan development, are you
25 going to come back to us and ask to re-zone it

1 industrial?

2 MR. VICTOR: No, no. We think the
3 property with or without Whittengale is
4 appropriately -- this 20 acres is appropriately
5 re-zoned to R-2 because of the physical features
6 of the property, because of the creek and where
7 it is, the stream there. It's -- provides a
8 natural boundary between the industry uses to our
9 north. And just -- it's just consistent with the
10 rest of the 109 acres of our property that should
11 have all been R-2.

12 MR. DODDATO: Okay. That's my
13 only question I have.

14 MR. McDERMOTT: Mr. Doddato, I
15 would like to supplement the history with you as
16 well.

17 Being a legislative act, if you are to
18 approve this, you are under no obligations -- and
19 just I want to say in discussion you are actually
20 under no obligation to approve that action to --
21 even if they did come back or it's leased to
22 somebody else and they come back, you don't have
23 to. It would be zoned as-is. And you are under
24 no obligation to re-zone it back if somebody
25 asked in the future. This is just related to

1 your approval of the application right in front
2 of you if it's approved.

3 MR. DODDATO: Okay.

4 MR. MOROSETTI: Mr. Victor, one
5 correction. Prion Drive does not come out on
6 Whittengale Road. It comes out on McKee.

7 MR. VICTOR: Thank you.

8 MR. MOROSETTI: You said it
9 twice.

10 MR. VICTOR: Okay. Thank you.

11 MR. MOROSETTI: Any other
12 questions for him?

13 (No response.)

14 MR. MOROSETTI: There being none,
15 we will move on to comments from the floor. And
16 I please ask that you try and limit it to two
17 minutes.

18 Okay. There were only four other
19 people that were sworn in to speak. Would you
20 please stand, the four?

21 Sir, would you come forward. State
22 your business. State your name first, please.

23 MR. BIRD: Christopher Bird. I
24 live on 300 Whittengale Road. First off, this is
25 just a stepping stone to develop this whole

1 triangle with these houses. As we all know,
2 Oakdale has their flooding. I mean, you need to
3 have the dam cleaned, get your infrastructure all
4 together before something like this moves in, in
5 my opinion.

6 So the flooding -- the -- Whittengale
7 Road is falling apart which everyone knows it
8 gets fixed. And a few months later, it falls
9 back apart.

10 As a resident on there, I mean, this --
11 Whittengale Road can't handle it. I know Oakdale
12 residents are totally against it.

13 MR. MOROSETTI: I do have to
14 inform you Whittengale Road is not a North
15 Fayette Township road.

16 MR. BIRD: Okay. It's a state
17 road?

18 MR. MOROSETTI: Yes.

19 MR. BIRD: Yes. Okay. So that's
20 basically what I would like to throw out there.
21 I mean, the only benefit from this for the
22 Township, in my opinion, is just revenue. I
23 mean, the schools are packed at the seams
24 already. The traffic -- you come down here at
25 the intersection where the gazebo is after 5:00.

1 It's a mess. So 110 houses -- we average maybe 2
2 cars per family for the most part. It's going to
3 be a disaster. So just thank you.

4 MR. MOROSETTI: Thank you. The
5 next person on this side. Please state your
6 name, Jerry.

7 MR. KEHM: Jerry Kehm, president
8 of Kehm Oil and Golden Oil Company. In the
9 interest of time, I won't reiterate what they
10 said about traffic and flooding and so forth.
11 That is an issue.

12 But a few things I'd like to look at.
13 I believe that the process here is out of order,
14 that Mr. Prion should have applied for a variance
15 for the properties as opposed to the zoning. I
16 spent 12 months working with the Township to go
17 over the master plan for the Township and
18 changing things. This is the easiest way to get
19 it through as opposed to applying for the
20 variance.

21 But Allegheny County has on numerous
22 occasions and in most occasions ruled that in a
23 re-zoning deal that it should be used in the most
24 least resistant way. Therefore, it's already
25 Light Industrial. The least resistance to

1 re-zone that would be to leave it Light
2 Industrial. If it is capable of being --
3 building the houses, it is also capable of being
4 developed industrial with industrial there.

5 The main thing, though, is the
6 gentleman that spoke first was talking about
7 property value. I don't know if they're aware.
8 But any property that is within 3,000 feet of a
9 fuel depot, gasoline station, property values are
10 valued at about 50 percent less. So, therefore,
11 any money that the Township's going to look at in
12 an \$800,000 home when re-assessed by Allegheny
13 County would be re-assessed at \$400,000. So,
14 therefore, your property taxes are going to be
15 cut in half. It's not making it a fiduciary
16 benefit to the Township. It would actually be a
17 burden because of the cost of what it takes to
18 give services to a residential area as opposed to
19 the resident -- or as opposed to a light
20 industrial area, which I believe is a
21 money-making event for light industrial. And it
22 costs the Township when it comes to residents.

23 The second and most important thing to
24 me as president of Kehm Oil and Golden Oil
25 Company because of the proximity of the property,

1 I would be looking for the Township and the
2 future property owners if this is granted for a
3 release from liability to include but not limited
4 to light noise -- I'm sorry, light noise, audio
5 noise, odor coming from fuel tanks and a drop in
6 property value with an inability to sell a house
7 once it is developed.

8 Being within a 3,000-foot buffer zone
9 -- and as they mentioned, there's only so many
10 pieces of property there. For the sake and
11 safety of everybody in the Township and to save
12 the Township the hassle of the police department
13 from getting calls from odors when we have
14 pending air warnings like we were in this
15 morning. They're going to get odors. There's
16 going to be the constant call to the police.
17 There's going to be a constant call to the fire
18 department. There's going to be a constant call
19 to the DEP wasting time, effort, resources by
20 everybody involved. For seven homes -- you know,
21 I don't want to be unloading a gasoline truck and
22 have air coming from up -- coming from a
23 fireplace burning. It sucks into their house.
24 Then the fire department's responding to a -- you
25 know, to a catastrophe for the sake of seven

1 homes.

2 Their drawing that they had up there,
3 if you want to go back, is within a couple
4 hundred feet of my tanks. We are grandfathered
5 in. There's many gallons of fuel there. There's
6 60,000 gallons of gasoline. There's 10,000
7 gallons of diesel fuel. It's a bomb. And, like
8 I said, for the sake -- I don't want to go to bed
9 at night thinking when I'm unloading a truck in
10 the morning, this could be somebody's family. It
11 could be multiple. We've seen it in the news.
12 We've seen it everywhere. But for the sake of
13 everybody involved and the sake of seven homes, I
14 just think that it's not there.

15 And if the 3,000-foot buffer zone is
16 granted like it's been numerous times in
17 Allegheny County, that's basically going to
18 eliminate those seven homes, which would make it
19 easy for the Township. They wouldn't have to
20 change the zoning. The other 119 homes could be
21 developed. But it's for the safety.

22 And I would also request if that is the
23 case, if it is pushed through and the Township
24 sees fit to do a release of liability, there
25 would be a covenant attached to all of these

1 seven homes so that not only the first people
2 buying it but the people who buy it in years to
3 come, they would know that there is -- that
4 covenant's attached to their deed and that they
5 know that there's a possibility of, one, that
6 their resale value's going to be greatly
7 reduced. And their assessed value's going to be
8 greatly reduced, which when you're paying school
9 taxes or county taxes or Township taxes, that's
10 great. But when you go to sell a house that you
11 just spent \$800,000 to build and it goes and gets
12 assessed by Allegheny County for \$400,000, it's
13 not going to make a lot of people happy. Thank
14 you.

15 MR. MOROSETTI: Okay. Thank you,
16 Mr. Kehm.

17 MR. DODDATO: Jerry?

18 MR. MOROSETTI: Jerry?

19 MR. KEHM: Yes.

20 MR. DODDATO: A couple more
21 questions here.

22 MR. KEHM: Absolutely.

23 MR. DODDATO: Steve, can you flip
24 back on the slide where it had the homes?

25 So the first question I have, when you

1 said this 3,000 buffer --

2 MR. KEHM: Yes.

3 MR. DODDATO: -- is it -- is the
4 red zone -- is that 3,000 feet, or is that going
5 to extend out --

6 MR. KEHM: It's -- the 3,000 --

7 MR. MANGAN: I have it here. I
8 have it.

9 MR. DODDATO: I can't see. Can
10 you tell me -- can somebody -- where's the lights
11 at?

12 I'm assuming the tanks. Is that what
13 you're talking about?

14 MR. KEHM: Yes.

15 MR. DODDATO: Yes.

16 MR. KEHM: Well, the one building
17 that's right up against the zone there is also
18 where we have our oil tanks that are in there.
19 So it's -- and it does produce an odor when
20 you're bringing in heavy oils from the steel
21 mills.

22 MR. DODDATO: And the homes that
23 you're looking at, you're going to put some on
24 that side of the re-zoning? What about the other
25 side of Prion? Are there homes there?

1 MR. VICTOR: No. There is one
2 house, Lot 248.

3 MR. DODDATO: Okay.

4 MR. VICTOR: So the house would
5 sit here (indicating). But the rest of it's
6 non-usable. So we just made it Lot 248.

7 MR. DODDATO: Okay.

8 MR. VICTOR: 25 acres in size.

9 MR. DODDATO: And is the 3,000
10 crossing the R-2 zoning already?

11 MR. KEHM: I would have to shoot
12 it. I don't know.

13 MR. MANGAN: I have it here just
14 to give you an idea.

15 MR. KEHM: Is that a 2,000-foot
16 radius?

17 MR. MANGAN: Yeah.

18 MR. KEHM: 3,000 feet from
19 property line to property line.

20 MR. DODDATO: Okay.

21 MR. MANGAN: Here's the radius
22 (indicating). It goes all of the way on Gamble,
23 then all of the way on Whittengale. Then it goes
24 -- this is your perimeter (indicating). This is
25 2,000 --

1 MR. McDERMOTT: Mr. Kehm, can you
2 help me out and share where the 3,000-foot --

3 MR. KEHM: It's -- there's been
4 case law in Allegheny County for numerous years
5 and used multiple places.

6 MR. McDERMOTT: So we don't have a
7 regulation or law or a statute that covers --

8 MR. KEHM: I do not know.

9 MR. McDERMOTT: You said it's a
10 buffer?

11 MR. KEHM: It's a buffer zone for
12 the fuel depot and gasoline station.

13 MR. McDERMOTT: I would assume
14 such a regulation for a gas station.

15 MR. KEHM: It probably said fuel
16 depot --

17 MR. DODDATO: Okay.

18 MR. KEHM: -- station.

19 MR. DODDATO: All right.

20 MR. KEHM: Yeah. I mean, if you
21 go to Neville Island and you look through the
22 plants down there, the terminals that are down
23 there, there's no houses within 3,000 feet.

24 It's just a safety thing. I mean, I
25 know there's not one person in here that would

1 like to be sitting here and hearing five years
2 into the development we should have not done
3 that, you know. So-and-so put an outside boiler
4 in to heat his house. And he sucked fumes up
5 it. I mean, it's, like I said, for the safety.
6 We're not affecting a zillion homes.

7 And the traffic's going to be a hassle
8 on Whittengale. We've got two major roads
9 leading out. And we all know as we're sitting
10 here the Township believes that a majority of
11 those cars are not going to exit on Whittengale.
12 They're going to exit toward McKee Road.

13 MR. DODDATO: Okay. Looking at
14 the map, it does look like Gamble Road and
15 Whittengale Road are already in this 3,000-foot
16 zone. I've never been aware that we changed an
17 assessment because of that. But I do see the
18 Holly Hills right on the outskirts of this
19 3,000-foot line.

20 MR. KEHM: Talk to any solicitor
21 or appraiser from Allegheny County. And they
22 will tell you that they drastically reduce
23 property values up to 50 percent for property
24 that's within close proximity of a gas station or
25 a fueling depot.

1 MR. DODDATO: My next question --
2 and this is a question directed towards our
3 attorneys.

4 I know that the Township, we have done
5 things for certain businesses such as Scott Farm
6 or any other farm being an ASA, an agricultural
7 security area. That prevents nuisance laws from
8 coming in and impacting our farm owners. I
9 understand it's a pre-existing business.

10 Is there anything that the Township
11 could do from an ordinance standpoint with prior
12 disclosures on the sales of homes within this
13 3,000-foot area? I mean, because this is -- if
14 this is actually something, I've never -- I've --
15 in ten years I've never even heard of this. If
16 this is something that --

17 MR. KEHM: Nobody's ever built
18 next to my office in ten years.

19 MR. DODDATO: Well, there's stuff
20 within that 3,000-foot area. So, you know, this
21 is something that's much more beyond the
22 development proposed or the re-zoning. This is
23 something that --

24 MR. KEHM: It's not really
25 affected. I mean, if it stays light industrial,

1 it's not affected. It's a residential home.

2 MR. DODDATO: Right. All of that
3 is residential. I mean, this is --

4 MR. KEHM: Correct.

5 MR. DODDATO: -- definitely
6 something that we would need to look into. So we
7 will have to take that in.

8 MR. KEHM: Right.

9 MR. MOROSETTI: Thank you, Jerry.
10 The next speaker behind him, please. Did you get
11 sworn in? Please come up. Please state your
12 name.

13 MS. ROSSEN: My name is Barbara
14 Rossen. I'm here on behalf of Oakdale Council.
15 I'm the newbie. And I know you guys received the
16 letter from Mark "Max" Maximovich.

17 As you know, we are very adamantly
18 against this proposed plan for the development.
19 I know you mentioned --

20 MR. MOROSETTI: Ma'am, you're
21 aware this is strictly zoning?

22 MS. ROSSEN: Yes, I am. But
23 anything --

24 MR. MOROSETTI: Okay.

25 MS. ROSSEN: -- pertaining to this

1 development --

2 MR. MOROSETTI: I'll give you a
3 couple of minutes. Go ahead.

4 MS. ROSSEN: Anything pertaining
5 to this development that will cause our flooding
6 problems is very important to us. And we'll be
7 here for every meeting that has anything to do
8 with it.

9 And you guys all know our flooding
10 problems. I realize there are, you know,
11 retention ponds in this plan. We know how they
12 fail over the years. And I know you guys are
13 working -- have been working on the retention
14 ponds that there was an issue with because of all
15 of the flooding problems.

16 This plan is right beside us, on the
17 hill right beside us. And it's going to come
18 down into both creeks. So flooding is the main
19 concern of ours. And that's why I'm here, and
20 that's why Mark wrote that letter.

21 Also, we have the traffic. 200, 300
22 cars is going to really strain us even more so
23 because we already have traffic issues. You guys
24 know the situation with Whittengale. There's
25 been three fails in the past two years. It's

1 been closed more than it's been open. It can't
2 handle the entrance into this plan.

3 I know this is only zoning, but it's
4 pertaining to this development. And we want to
5 be here, and we want to come back and deter it in
6 any way possible, because this could hurt the
7 survival of Oakdale, because if these retention
8 ponds fail, it could wipe us out. And our people
9 -- our businesses and our people down in the
10 town, they can't keep coming back from this.
11 We're doing everything we can to deal with our
12 flooding situation. They're not going to dredge
13 the whole creek. We've been able to dredge under
14 the bridges. And we have some other flood
15 mitigation we're going to do this spring. But
16 we've got to work with what we have. And we're
17 not getting a million dollar grant. And the
18 Department of Environmental Protection is not
19 going to dredge the whole creek.

20 So a development right beside us is
21 going to hit us on both creeks. It's just a big
22 concern of ours. So I just wanted to be here and
23 voice this concern. I know it's only zoning.
24 But it's the big picture. What's going to come
25 after this zoning hearing?

1 MR. MOROSETTI: Thank you very
2 much.

3 MS. ROSSEN: Thank you.

4 MR. MOROSETTI: We do appreciate
5 it. One more speaker.

6 UNKNOWN SPEAKER: I think they
7 covered it pretty well up there.

8 MR. MOROSETTI: Okay. Thank you.
9 Okay. Anybody else that wants to say -- make a
10 comment or say anything? We'll take a comment
11 from the floor.

12 (No response.)

13 MR. MOROSETTI: Do we have
14 anything on our side? Andrew, anything else?

15 MR. DODDATO: I just think that
16 there's a lot of questions that came up about
17 Whittengale Road. This Township cannot and does
18 not have the authority to allow a development to
19 come in on Whittengale Road. That is something
20 that PennDOT would have to grant. And if you
21 have concerns about Whittengale Road, whether it
22 can handle the traffic, those are items you need
23 to take to PennDOT or your state delegation, your
24 state senator and your state representative.
25 That is not something that North Fayette Township

1 has the authority over.

2 MR. MOROSETTI: Just to add to it,
3 where Whittengale comes out on North Branch,
4 North Branch is a state road, also. Our hands
5 are tied.

6 All right. I will need a motion --
7 before I do that, this Board has 45 days to make
8 a decision on this hearing, and we will do that
9 within 45 days.

10 MR. McDERMOTT: If I might,
11 Mr. Chairman, with regard to this matter, the
12 conditional use is, correct, 45 days. You
13 actually -- there is no time. This is
14 legislative. You have up to 90 days. You don't
15 have to make a decision at all. And you would
16 have the narrow constraint to make it within
17 90 days of the Public Hearing if you decide to
18 move forward, because it's not a conditional use
19 application. It's a re-zoning. So --

20 MR. MOROSETTI: Okay.

21 MR. McDERMOTT: -- you have up to
22 90 days to act without having to do another
23 hearing.

24 MR. MOROSETTI: Okay. Thank you.

25 MR. McDERMOTT: Okay. Thank you.

1 MR. MOROSETTI: May I have a --
2 pardon me?

3 UNKNOWN SPEAKER: May I ask a
4 question?

5 MR. MOROSETTI: Sure. Please
6 stand up. Please state your name. Come on up
7 here.

8 UNKNOWN SPEAKER: I've not been
9 sworn in.

10 MR. MOROSETTI: Raise your right
11 hand to be sworn in.

12 (Unknown speaker sworn in.)

13 UNKNOWN SPEAKER: The question is
14 if he doesn't get permission to exit on
15 Whittengale Road, that leaves one entrance and
16 one exit to the plan.

17 What is North Fayette's policy with the
18 plans? Are you allowed to have one entrance and
19 exit, or do you have to have two? So if he
20 doesn't get permission to Whittengale, what does
21 that do to the plan?

22 MR. DODDATO: Well, I think one of
23 the things that -- he just wants to put
24 residential access. I mean, we haven't even
25 looked at what they could do if they had to go

1 around Prion in another direction.

2 As far as having two points of egress
3 into and out of a plan, that is our current
4 requirement. We do that from a public safety
5 standpoint. So if they wanted to do a
6 development -- I don't know if there's a minimum
7 -- there's a -- what's the minimum?

8 MR. HARTWELL: So the minimum for
9 residential developments, ten or few, you have to
10 have one fully functional point of access, 11 to
11 40 dwelling units one point of access and an
12 emergency access. And then anything over 41 or
13 more dwelling units, you have to have two fully
14 functional points of access.

15 That's a design requirement in the
16 subdivision and land development.

17 MR. DODDATO: Did you guys hear
18 that?

19 UNKNOWN SPEAKER: Yeah.

20 MR. DODDATO: So basically if you
21 do anything over 41 units, you have to have two
22 points of access. If you do anything over
23 11 units, you have to have an emergency point of
24 access and whatnot. Yes.

25 I'm sure there are plans -- I mean, I

1 live in a plan that only has one point of access
2 because it was built in 2006. So that's a
3 going-forward requirement that we have when --
4 you go to the Seabright plan, and there's only
5 one point of access.

6 But, you know, talking with our public
7 safety officials, it's something that they want,
8 two points of access. And so that's what drives
9 our Board and our decision-making to have those
10 two points of access.

11 MR. McDERMOTT: And to supplement,
12 if I might, Mr. Doddato already answered before
13 about the third-party approvals and combining it
14 with the topic of the second access. We're also
15 concerned that you may require a second access in
16 your plan.

17 If an applicant proposes a plan that
18 provides that but one of those two is, for
19 example, a state road that requires a third-party
20 approval of that HOP for that state road, you're
21 actually not allowed to deny it based on that
22 alone. You would actually be compelled -- and,
23 again, that is not before us right now but just
24 to answer your question. It's a development
25 plan. And to get that second exit, they have to

1 get the HOP from the state. You actually must
2 approve it subject to that third-party
3 condition.

4 MR. DODDATO: Okay.

5 MR. McDERMOTT: That's at their
6 risk. You go and dig it and not dig it. If they
7 don't, obviously that approval fails. But that
8 -- but you're compelled legally to conditionally
9 approve it under those circumstances.

10 MR. MOROSETTI: Okay. Thank you,
11 Solicitor.

12 Sir, come forward. State your name and
13 get sworn in.

14 MR. BERQUIST: I just have a quick
15 question.

16 MR. MOROSETTI: You have to get
17 sworn in.

18 (Mike Berquist was sworn in.)

19 MR. MOROSETTI: Please state your
20 name.

21 MR. BERQUIST: Mike Berquist. I
22 have a question. It is -- I know we're talking
23 about ordinances and points of access.

24 When do you have to go to three access
25 points?

1 MR. MOROSETTI: You don't.

2 MR. DODDATO: You don't.

3 MR. BERQUIST: Well, that's kind
4 of dumb, if you don't mind me saying.

5 MR. MOROSETTI: If the plan's big
6 enough, it would probably go to four.

7 MR. BERQUIST: Well, you've got an
8 issue coming up at Pointe West. That's all I've
9 got to say.

10 MR. MANGAN: Thank you.

11 MR. MOROSETTI: Thank you.

12 MR. MANGAN: Have a nice evening.

13 MR. MOROSETTI: Any other comments
14 from the floor?

15 (No response.)

16 MR. MOROSETTI: May I have a
17 motion to adjourn this hearing?

18 MR. DODDATO: I make that motion.

19 MR. O'DONNELL: I'll second.

20 MR. MOROSETTI: All in favor?

21 ALL: Aye.

22 MR. MOROSETTI: Motion carries.

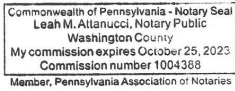
23 (The above-entitled matter was
24 concluded at 7:21 o'clock p.m.)

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C E R T I F I C A T E

I hereby certify that the proceedings
and evidence are contained fully and accurately
in the stenographic notes taken by me on the
hearing of the within cause and that this is a
correct transcript of the same.



Leah M. Attanucci

Leah M. Attanucci
Notary Public

My Commission Expires October 25, 2023.