

**NORTH FAYETTE TOWNSHIP
PLANNING COMMISSION
THURSDAY, MARCH 4, 2021
7:00 P.M.
VIRTUAL**

The meeting was called to order at 7:00 P.M. with Chairman Chuck Kyle presiding.

MEMBERS PRESENT:

Chuck Kyle, Chairman
Fred Lutz, Board Member
Matt Gilfillan, Board Member
Tom McDermott, Esq., Township Solicitor (arrived 7:10 P.M.)
Shawn Wingrove, EIT, Township Engineer
Andrew Hartwell, AICP, Director, Community Development
Debbie Midgley, Recording Secretary

MEMBERS ABSENT:

Bill Fitzgerald, Vice Chairman

OTHERS PRESENT:

Laura Ludwig, AICP, HRG
Kirsten Primm, HRG
Bill Prion, Prion Mfg.
Jeremy Kleemook
Christopher Remaly, P.E., CEC

ADMINISTRATIVE:

A motion was made by Mr. Matt Gilfillan, seconded by Mr. Fred Lutz, to approve the minutes from the February 4, 2021 meeting. Motion carried.

REPORTS:

1. Community Development Report- January 2021

There were no comments.

PUBLIC COMMENT: (Any item not on the agenda)

There were no public comments.

OLD BUSINESS

1. **Application 2021-1-SU – Burns Plan of Lots No. 2** – An application for preliminary and final approval of a minor subdivision plan on 11.726 acres of land located at 279 Logan Road in the R-2 Suburban Residential Zoning District (Allegheny County Parcel ID No. 691-F-17).

Mr. Kyle asked if a representative is present.

There were no representatives.

The Board reviewed the comments of Mr. Hartwell and Mr. Wingrove.

Mr. Hartwell made the following comments.

1. This is an application for preliminary and final approval of a minor subdivision plan on 11.726 acres of land located at 279 Logan Road in the R-2 Suburban Residential Zoning District (Allegheny County Parcel ID No. 691-F-17).
2. Please refer to comments from the Township Engineer, per LSSE's review letters dated December 30, 2020 and February 2, 2021. Copies of the letters are enclosed.
3. Please refer to the enclosed letter to the applicant dated March 1, 2021 regarding providing a deed documenting the right-of-access for Lot No 2 through the private right-of-way. In addition to this letter, Mr. Wingrove and I have reached out several times by email and telephone asking for the deed to be provided. As of this date, the deed has not been provided to the Township.
4. Please refer to any comments from the Township Solicitor.
5. The Planning Division of the Allegheny County Department of Economic Development (ACED) received a copy of the application and plans. An email from ACED indicating that there are no comments regarding the proposed subdivision was received on January 27, 2021. A copy of the email is enclosed.

Due to the significance of the item needing to be addressed as outlined in the LSSE review letter, it is my recommendation that the Planning Commission table this application. This will allow for items identified in this memorandum dated March 1, 2021, and LSSE's review letters dated December 30, 2020 and February 2, 2021 to be addressed prior to the next meeting scheduled for April 1, 2021.

Mr. Hartwell made some additional comments.

Mr. Hartwell said there were items submitted to the Township today and have not had time to do a review as of yet.

Mr. McDermott said he believes the items submitted are verification of the deed showing the access and rights-of-way.

Mr. Wingrove made the following comments.

LSSE has completed our review of the above referenced Subdivision Plan Application, dated December 1, 2020 last revised February 1, 2021, as prepared by Wachter-Willis Consulting, LLC, received by our office February 4, 2021 via email. The plan proposes the lot line relocation between two existing lots. The property is located to the west of Logan Road. The property is zoned R-2 – Suburban Residential.

Previous comments made can be found in our letters dated February 2, 2021 and December 30, 2020.

The following listing presents items unresolved/noncompliant identified during our review that do not conform to the Township of North Fayette’s Zoning Ordinance (Chapter 27), and Subdivision and Land Development Ordinance (Chapter 22):

Subdivision

1. The Ordinance requires all lots have frontage and primary access along the right-of-way of a public street. (Section 509.1.B) **Previous Comment:** *Proposed Lot 2 does not have frontage on a public street.* **Previous Comment:** *As discussed at the January Planning Commission Meeting, documentation of right-of-access for Lot No. 2 through the private right-of-way must be provided. A deed reference has been included on the plan. Copy of the deed confirming rights of access should be provided.* **Status: No change. The referenced deed has not been provided.**

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

The 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 resolution of the above noted item. Additional comments may be made and we reserve the right to comment further pending submission of revised plans.

Mr. Wingrove made some additional comments.

Mr. Wingrove said a resubmittal for this application and the other two on the agenda were received today. He said in general, none of the resubmittals have been reviewed in any sort of detail.

Mr. Wingrove said as for the Burns Plan of Lots 2, the only item on the list was with regard to providing some additional documentation of right of access to the private right-of-way. He said the subdivision as proposed when it creates Lot 2, that would be its only frontage. He said the applicant has requested a modification to not have frontage on a public road, which is a requirement of the township’s ordinance. He said the deed information, and previously recorded plan information is what was submitted today. He said if the Board would like to move forward with a recommendation for approval, that approval can be conditioned upon all the items that were submitted today being reviewed in detail.

Mr. Kyle 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. FRED LUTZ, SECONDED BY Mr. MATT GILFILLAN, AND CARRIED, TO RECOMMEND APPROVAL TO THE BOARD OF SUPERVISORS OF APPLICATION 2021-1-SU – BURNS PLAN OF LOTS NO. 2, CONTINGENT UPON REVIEW OF ALL ITEMS SUBMITTED, AND CONTINGENT UPON ALL ITEMS BEING ADDRESSED IN THE TOWNSHIP’S REVIEW LETTER DATED MARCH 1, 2021 AND LSSE’S REVIEW LETTERS DATED DECEMBER 30, 2020 AND FEBRUARY 2, 2021.

ROLL CALL:	CHUCK KYLE	YES
	FRED LUTZ	YES
	MATT GILFILLAN	YES

Mr. McDermott said let it be confirmed for the record that the motion for conditional approval also included favorable recommendation for the modification as well.

Mr. Kyle said agreed.

NEW BUSINESS

- 1. Application 2021-6-SU – Mary Anne Duranti Subdivision Plan** – An application for preliminary and final approval of a Minor Land Development (subdivision) on 18.11 acres of land located at 3617 Donaldson Road in the R-2 Suburban Residential Zoning District (Washington County Parcel ID No. 550-017-00-00-0024-01). *(Note: Although this parcel is located in both Allegheny County and Washington County, it is currently only assessed in Washington County. Through this subdivision, a lot line is proposed to be created within Allegheny County, thereby necessitating approval by North Fayette Township.)*

Mr. Kyle asked if a representative is present.

Mr. Jeremy Kleemook is present representing the applicant. He said the majority of the property is located in Washington County, with a small parcel located in Allegheny County. He said that parcel will solely be used for the purpose of a leech field for the septic system.

The Board reviewed the comments of Mr. Hartwell and Mr. Wingrove.

Mr. Hartwell made the following comments.

1. This is an application for preliminary and final approval of a Minor Land Development (subdivision) on 18.11 acres of land located at 3617 Donaldson Road in the R-2 Suburban Residential Zoning District (Washington County Parcel ID No. 550-017-00-00-0024-01).
2. Please refer to comments from the Township Engineer, per LSSE’s review letter dated February 23, 2021. A copy of the letter is enclosed. In addition, I offer the following:

- a) A Sewage Facilities Planning Module must be prepared and submitted to the Township for review and approval. (§ 22-402.1)
- b) The Deed Notification Clause, developed by the Allegheny County Department of Real Estate, must be provided on the plan. Please see the enclosed handout for more information.
- c) The “Local Authority Stipulation” clause must be removed from the plan and replaced with the following “No Acceptance of Dedication” clause:

The Board of Supervisors of the Township of North Fayette gives notice that, in approving this plan for recording, the Township of North Fayette assumes no obligation to accept the dedication of any streets, land or public facilities and has no obligation to improve or maintain such streets, land or facilities.

Township Manager

Chairman

- d) The following Sewage Facilities Planning declaration must be provided on the plan:

The Township of North Fayette agrees not to issue building permits until the “Planning Module for Land Development” has been approved in accordance with the regulations of the Pennsylvania Department of Environmental Protection.

Date

Township Manager

- e) As mentioned in the Township Engineer’s review letter, Allegheny County does not have a planning commission. Please remove the “County Planning Commission Approval” certification and replace with the following:

Reviewed by the Allegheny County Department of Economic Development on this _____ day of _____, 20 ____.

(Seal)

Director

- f) The “Recording” and “Proof of Recording” certifications provided on the plan for Allegheny County must be removed and replaced with the following clause:

Recorded in the office of the Department of Real Estate of the County of Allegheny, Commonwealth of Pennsylvania, in Plan Book Volume _____, Page(s) _____.

Given under my hand and seal this _____ day of _____, 20 ____.

(Seal)

Department of Real Estate

- g) The applicant should take note of the Allegheny County Drafting Standards for Plans for Recording as indicated in Appendices 1, 2, 3 & 4 of the Allegheny County SALDO, including the requirements that plans for recording be drawn on paper (no mylars are accepted) and that plans must have both the embossed seal and the ink seal of the surveyor that prepared the plan and be signed in blue ink. A copy the appendices is enclosed for reference.
3. Please refer to any comments from the Township Solicitor.
 4. The Planning Division of the Allegheny County Department of Economic Development (ACED) received a copy of the application and plans. As of this date, no comments have been received from ACED.

At this time, the application is complete, pending the resolution of items outlined by the Township Engineer. It is my recommendation that the Planning Commission recommend approval of the Mary Anne Duranti Subdivision Plan to the Board of Supervisors, contingent upon all items being addressed in this review memorandum dated March 1, 2021 and Township Engineer's review letter dated February 23, 2021.

Mr. Hartwell made some additional comments.

Mr. Hartwell said for reference, the entire parcel is assessed in Washington County even though a small portion is partly in Allegheny County. He said North Fayette Township must approve the subdivision because the lot line being proposed is within Allegheny County, and requires it be recorded with Allegheny County. He said the Allegheny County Health Department and the DEP will be involved in the approval of the septic system. He said a sewage facilities planning module approval is required, and can be a condition of the Commission's recommendation to approve.

Mr. Wingrove made the following comments.

LSSE has completed our review of the above referenced Subdivision Plan Application, dated January 31, 2021, as prepared by Mounts Engineering, received by our office February 17, 2021, via email. The plan proposes the subdivision of one lot into two lots. The property is located to the North of Donaldson Road (T.R. 841). The property is zoned R-2 – Suburban Residential.

Please note, the subject parcel is located within both North Fayette Township and Robinson Township. The scope of our review is limited to the area located within North Fayette Township.

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):

Zoning:

1. The Ordinance requires the plan meet minimum dimensional requirements according to zoning classification. (Section 205.3.A) **Status: A zoning requirements tabulation has**

been provided. The table indicates incorrect dimensions for minimum Lot Width and Density, in addition to incorrect Front, and Rear yard setbacks. Please revise accordingly.

Subdivision

2. The Ordinance requires the plan provide front yard, side yard and rear yard setback lines and any required bufferyards. (Section 302.J) **Status: Building side and rear yard setback lines should be revised to reflect correct dimensions as required the ordinance for R-2 zoned lots on Proposed Lot 2. In addition, setback lines have not been provided on both Lots 1 and 2 along the proposed property lines dividing each tract.**
3. The Ordinance requires the plan provide areas subject to periodic flooding, as identified on the current Flood Insurance Rate Map for the Township issued by the Federal Emergency Management Agency. (Section 302.T) **Status: The location of the FEMA defined floodplain has not been shown on the plan. Should the plan not be located within a FEMA defined floodplain, notation of such should be included on the plan.**
4. The Ordinance requires the plan provide certificates in compliance with the requirements of the Township, the Allegheny County Department of Real Estate, and shall be in a form acceptable to the Township Engineer and Township Solicitor. (Section 315.M) **Status: The provided Surveyor Certification has been mislabeled as Engineers Certification, please revise accordingly. Moreover, the Planning Commission clause should be revised to exclude the term ‘Approved’. Additionally, the Engineer’s clause has not been provided. Clauses for Allegheny County, including the Department of Economic Development and the Department of Real Estates should be revised in accordance with the Allegheny County SALDO. Finally, appropriate seal locations have not been provided.**
5. The Ordinance requires documentation of an approved Sewage Facilities Planning Module. (Section 402.1) **Status: The plan proposes creation of a new lot. A Sewage Facilities Planning Module must be submitted for review. Documentation of approval of the Sewage Facilities Planning Module must be provided prior to recording of the plan.**

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 resolution of the above noted items. Additional comments may be made, and we reserve the right to comment further pending submission of revised plans.

A detailed written response to each comment identified in this letter along with revised plans for review is required.

Mr. Wingrove made some additional comments.

Mr. Wingrove said a review letter was provided February 23, 2021. He said the applicant provided a resubmittal today and he has not had the opportunity to do a review. He said the comments are similar to Mr. Hartwell's, including the approval of a sewage facilities planning module, nothing that changes the plan. He said he has no objection to a favorable recommendation by the Board.

Mr. Kyle 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. MATT GILFILLAN, SECONDED BY Mr. FRED LUTZ, AND CARRIED, TO RECOMMEND APPROVAL TO THE BOARD OF SUPERVISORS, OF APPLICATION 2021-6-SU THE MARY ANNE DURANTI SUBDIVISION PLAN, CONTINGENT UPON ALL ITEMS BE ADDRESSED IN THE TOWNSHIP'S REVIEW LETTER DATED MARCH 1, 2021 AND ANY AND ALL REQUIREMENTS SET FORTH IN LSSE'S REVIEW LETTER DATED FEBRUARY 23, 2021.

ROLL CALL:	CHUCK KYLE	YES
	FRED LUTZ	YES
	MATT GILFILLAN	YES

- 2. Application 2021-7-SU – Bayer Plan of Lots No. 2** – An application for preliminary and final approval of a Minor Land Development (subdivision) on 245.5 acres of land located at 100 Bayer Road in the B-2 General Business Zoning District and the I-1 Light Industrial Zoning District (Allegheny County Parcel ID No. 412-S-214).

Mr. Kyle asked if a representative is present.

Mr. Christopher Remaly from CEC is present representing Covestro. He said Covestro acquired the Bayer property at the end of 2020. He said Covestro is looking to subdivide the property into three parcels, 1-A, 1-B, and 1-C, with no proposed development. He said approximately 90% of the property is in Robinson Township, with a very small portion located in North Fayette Township. He said the applicant did receive conditional approval from Robinson Township on March 1, 2021.

The Board reviewed the comments of Mr. Hartwell and Mr. Wingrove.

Mr. Hartwell made the following comments.

1. This is an application for preliminary and final approval of a Minor Land Development (subdivision) on 245.5 acres of land located at 100 Bayer Road in the B-2 General Business Zoning District and the I-1 Light Industrial Zoning District (Allegheny County Parcel ID No. 412-S-214).
2. Please refer to comments from the Township Engineer, per LSSE's review letter dated February 12, 2021. A copy of the letter is enclosed. In addition, I offer the following:

- a) The Deed Notification Clause, developed by the Allegheny County Department of Real Estate, must be provided on the plan. Please see the enclosed handout for more information.
 - b) The certification of review by the Allegheny County Department of Economic Development has been provided twice. We suggest removing the duplicate certification.
 - c) The year provided within the various certifications should be revised from 2020 to 2021.
 - d) The subdivision is not approved by resolution. This should be removed from the Board of Supervisors approval certification.
3. Please refer to any comments from the Township Solicitor.
 4. The Planning Division of the Allegheny County Department of Economic Development (ACED) received a copy of the application and plans. As of this date, no comments have been received from ACED.

At this time, the application is complete, pending the resolution of items outlined by the Township Engineer. It is my recommendation that the Planning Commission recommend approval of the Bayer Plan of Lots No. 2 to the Board of Supervisors, contingent upon all items being addressed in this review memorandum dated March 1, 2021 and Township Engineer's review letter dated February 12, 2021.

Mr. Hartwell said all of his comments have been addressed.

Mr. Wingrove made the following comments.

LSSE has completed our review of the above referenced Subdivision Plan Application, dated February 29, 2021, as prepared by Civil and Environmental Consultants, Inc., received by our office February 3, 2021, via email submission. The plan proposes the subdivision of one lot into three lots. The property is located along Bayer Road. The property is zoned B-2 – General Business and I-1 Light Industrial.

Please note, the subject parcel is located within both North Fayette Township and Robinson Township. The scope of our review is limited to the area located within North Fayette Township.

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):

Zoning:

1. The Ordinance requires the plan meet minimum dimensional requirements according to zoning classification. (Section 205.3.A) **Status: A zoning requirements tabulation has been provided, however zoning included reflects requirements for Robinson Township only. Zoning requirements for North Fayette Township have not been included.**

Subdivision

1. The Ordinance requires the plan provide Front yard, side yard and rear yard setback lines and any required bufferyards. (Section 302.J) **Status: Building setback lines have not been provided; please revise accordingly.**
2. The Ordinance requires the plan provide the Zoning classification of the area to be developed and/or subdivided. (Section 302.K) **Status: The zoning district boundary has not been provided; please revise accordingly.**
3. The Ordinance requires the plan provide existing and proposed easements including locations, widths, and purpose (Section 302.M) **Status: The plan indicates an existing Sanitary Sewer traversing the existing lot; the associated easement should be shown on the plans.**
4. The Ordinance requires notation on the plat that access to a state highway shall only be authorized by a Highway Occupancy Permit issued by the Pennsylvania Department of Transportation. (Section 315.O) **Status: The plan abuts a state highway, the required Highway Occupancy note has not been provided; please revise accordingly.**

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 resolution of the above noted items. Additional comments may be made, and we reserve the right to comment further pending submission of revised plans.

A detailed written response to each comment identified in this letter along with revised plans for review is required.

Mr. Wingrove made some additional comments.

Mr. Wingrove said he has no comments of substance that would have changed the layout of the plan. He said with the relatively small portion within the township, a conditional approval will be acceptable and will follow up and review the plan that was submitted earlier today.

Mr. Kyle 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. FRED LUTZ, SECONDED BY Mr. MATT GILFILLAN, AND CARRIED, TO RECOMMEND APPROVAL TO THE BOARD OF SUPERVISORS OF APPLICATION 2021-7-SU THE BAYER PLAN OF LOTS NO. 2, CONTINGENT UPON ALL ITEMS BEING ADDRESSED IN THE

TOWNSHIP'S REVIEW LETTER DATED MARCH 1, 2021 AND LSSE'S REVIEW LETTER DATED FEBRUARY 12, 2021.

ROLL CALL:	CHUCK KYLE	YES
	FRED LUTZ	YES
	MATT GILFILLAN	YES

2. **Proposed Ordinance No. 477** – Proposed Zoning Ordinance and Zoning Map, which will repeal and replace, in its entirety, the current Zoning Ordinance and Zoning Map, Chapter 27 of the Township Code of Ordinances (Ord. 360, adopted 11/23/2004).

Ms. Laura Ludwig and Ms. Kirsten Primm representing HRG, gave an overview of the proposed zoning ordinance updates and presented a power point presentation for Proposed Ordinance No. 477.

Following a discussion, Mr. Kyle asked if there were any further comments or questions.

Mr. Hartwell said that Mr. Bill Prion would like to comment.

Mr. Hartwell displayed a map of Mr. Prion's property for the Board to reference.

There was a discussion involving the rezoning of property owned by Mr. Bill Prion from R-1, low density residential to R-2, suburban residential. This would be for future development of approximately 80 single family homes and the possibility of a PRD. Allegheny County Parcel ID No. 493-N-2 will remain split zoned, I-1/R-2; i.e., portion shown as I-1 will remain as such.

Mr. Kyle asked if there were any further comments or questions, hearing none he asked for a motion.

A MOTION WAS MADE BY Mr. MATT GILFILLAN, SECONDED BY Mr. FRED LUTZ, AND CARRIED, TO AMEND THE PROPOSED ZONING MAP TO REZONE THE PARCELS DISCUSSED (Allegheny County Parcel ID Nos. 586-L-1, 586-S-1, 586-S-2, 493-N-1 & 493-N-2) FROM THE CURRENT ZONING OF R-1 TO R-2.

ROLL CALL:	CHUCK KYLE	YES
	FRED LUTZ	YES
	MATT GILFILLAN	YES

Mr. Kyle asked if there were any further comments or questions, in reference to Proposed Ordinance No. 477, hearing none he asked for a motion.

A MOTION WAS MADE BY Mr. MATT GILFILLAN, SECONDED BY Mr. FRED LUTZ, AND CARRIED, TO TABLE REVIEW OF PROPOSED ORDINANCE NO. 477.

ROLL CALL:	CHUCK KYLE	YES
	FRED LUTZ	YES

MATT GILFILLAN YES

Mr. Hartwell said please have all comments or questions to Ms. Ludwig or Ms. Primm by March 24, 2021.

Ms. Ludwig said she will have the GIS department update the zoning map to reflect the changes discussed.

GENERAL DISCUSSION:

The April 1, 2021 meeting will be virtual, and the move to in person meetings will begin with the May 6, 2021 meeting.

Mr. Kyle asked for a motion to move to executive session.

A MOTION WAS MADE BY Mr. FRED LUTZ, SECONDED BY Mr. MATT GILFILLAN, AND CARRIED, TO MOVE TO EXECUTIVE SESSION.

ROLL CALL:	CHUCK KYLE	YES
	FRED LUTZ	YES
	MATT GILFILLAN	YES

Mr. Kyle asked for a motion to leave executive session.

A MOTION WAS MADE BY Mr. FRED LUTZ, SECONDED BY Mr. MATT GILFILLAN, AND CARRIED, TO LEAVE EXECUTIVE SESSION.

ROLL CALL:	CHUCK KYLE	YES
	FRED LUTZ	YES
	MATT GILFILLAN	YES

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

ADJOURNMENT:

A MOTION WAS MADE BY Mr. MATT GILFILLAN, SECONDED BY Mr. FRED LUTZ, AND CARRIED, TO ADJOURN THE MEETING AT 8:47P.M.

ROLL CALL:	CHUCK KYLE	YES
	FRED LUTZ	YES
	MATT GILFILLAN	YES

Respectfully submitted,

Debbie Midgley
Planning Commission Recording Secretary