TOWNSHIP OF INDIANA
PLANNING COMMISSION

AUGUST 23, 2017

A regular meeting of the Indiana Township Planning Commission was called to order at 6:00 p.m. by Chairman Cecil Tranquill with the Pledge of Allegiance. The meeting was recorded on an audio cassette.

The roll was called and Planning Commission members present were Thomas Ceponis, David Geahry, Pat Miller, Michael Rouggie, and Cecil Tranquill. Also in attendance were Code Enforcement Officer Jeffrey S. Curti, Recording Secretary Jacquelyn Rouggie, Engineer Daniel Slagle, P.E. & Engineer Robert Herring, P.E./Senior Designer from Nichols and Slagle Engineering, and Solicitor Daniel Conlon from Tucker Arensburg.

APPROVED

REGULAR MEETING MINUTES OF JULY 26, 2017

Mr. Geahry made a motion, seconded by Mr. Ceponis, to approve the July 26, 2017, Regular Meeting Minutes as presented. Motion carried unanimously.

NEW BUSINESS

AGRICULTURAL SECURITY AREA (ASA) - Additional Properties Proposed

Mr. Curti said the Township was petitioned by approximately 38 property owners in the northwest area of the Township to be added to the Township's existing ASA. He provided the Planning Commission with copies of a document outlining the benefits of having a farm designated as an ASA, as well a copy of a "Public Notice" that was posted in various locations throughout the Township about the requests in order to notify citizens that the Township Board of Supervisors has received proposals for additions to the existing ASA, as required by Law. He said by allowing these farms to be a part of this program, it provides protection for farming areas, such as help with securing loans, right-of-way procedures, etc. Mr. Curti said the Township's ASA was originally established about 30 years ago with 13 property owners. He said the petitioning property owners are asking for the Planning Commission to recommend approval to the Board of Supervisors to allow them to join the program.

Mr. Miller made a motion, seconded by Mr. Rouggie, recommending approval to the Board of Supervisors to allow the additional properties to be added to the Township's existing ASA. Motion carried unanamously.

DEVELOPMENT PROPOSALS

SINGER-TUMA - Simple Subdivision

Mr. Curti said he received an email from Mark Schmidt, President of Hampton Technical Associates, who is also the representative for the applicant Paul M. Singer of 3 Edgehill Drive, that Mr. Singer would like his request to be tabled by the Planning Commission Members at tonight's meeting and be placed on the Planning Commission's agenda for their consideration at its September 27, 2017 meeting.

Mr. Ceponis made a motion, seconded by Mr. Miller, to table the Singer-Tuma Simple Subdivision as per the applicant's request, and place them on the September 27, 2017 agenda. Motion carried unanimously.

FOX CHAPEL ESTATES - PLANNED RESIDENTIAL DEVELOPMENT (PRD) - PHASE I - Final Approval

Commission Members were once again presented with an application for Final Approval of Phase I of the Fox Chapel Estates PRD. The entire project consists of the development of Parcel 620-P-379 (13 acres) and Parcel 620-J-114 (9.35 acres) into 20 lots containing 91 dwelling units (townhouses). Phase I consists of 13 lots and 62 dwelling units. The properties are located east of Dorseyville Road, approximately 0.3 miles north of the intersection with Fox Chapel Road. The property is zoned "MDR" Medium Density Residential. Steven Victor, ASLA and partner at Victor-Wetzel Associates, was present to represent the applicant, Fox Chapel Estates, LP.

Mr. Tranquill said he previously spoke with Fox Chapel Area School District Board Member Joel Weinstein about this proposal, and he keeps in touch with other various people from the school district. Mr. Tranquill said he likes to inform the schools of happenings within the Township. Mr. Tranquill also asked if the Developer has considered changing the name of the Development to NOT be "Fox Chapel Estates". He said there is currently a mobile home park located off of Rich Hill Road already named "Fox Chapel Village". Mr. Tranquill said he understands the Developer feels by using the name "Fox Chapel" it may be considered more prestigious.

Solicitor Conlon explained the legal procedures that need to take place since there is an appeal filed against the Township granting tentative approval of the PRD Master Plan. He said there are procedures in the PA Municipalities Planning Code (MPC) that must be followed. He said even if tentative approval is granted by the Board of Supervisors, as they did, the Developer can still ask for "final" approval of the Plan if the Courts have not made a decision yet. Mr. Conlon said if the Judge decides the "tentative" approval granted by the Board is invalid, then the "final" approval decision will then be null and void as well. Mr. Conlon said there are certain timelines that need to be followed. He said a Public Hearing was held back on February 14, 2017 at 6:00 pm for tentative approval of the Fox Chapel Estates PRD plan, and it was duly advertised in the "Valley News Dispatch", a newspaper of general circulation in the Township, as required by the MPC. An audience member asked why they were not sent individual notices about the Public Hearing. Mr. Conlon said this is not a requirement in the MPC for a PRD. An audience member also asked why the property was not posted like they are for Zoning Hearing Boards; Mr. Conlon said once again, this is not a requirement of the MPC.

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Mr. Tranquill asked Mr. Victor to review the Fox Chapel Estates PRD proposal again. Mr. Tranquill said the plan has been presented to both the Planning Commission and Board of Supervisors numerous times. He said the entrance for Phase I will be off of Dorseyville Road. Mr. Tranquill asked how many dwelling units will be in this phase. Mr. Victor said 62. Mr. Victor introduced himself to the audience. He said he is a Landscape Architect. He did a Power Point presentation of the proposed plan. Mr. Victor showed the location of the site and also the frontage of the entrance off of Dorseyville Road. He explained about each type of the models of homes. He said "Griffin Hall", is geared toward "empty-nesters" because the main living area is on the first floor and the bedrooms are located upstairs. He said since the last meeting, he confirmed with the builder Ryan Homes, that these normally sell for about $450k - $500k. Mr. Tranquill asked if this is considered a carriage home. Mr. Victor said there are many terms for these types of homes, i.e. carriage homes, patio homes, town homes, etc. An audience member read from the Township Zoning Ordinance the definition of a town house. Mr. Victor continued with the models of homes, saying there is also a design called the "Rosecliff". He said the master bedroom is on the second floor and it is also geared towards "empty-nesters". He said the average price point is $400k - $450k. He said finally, the "Schubert" model is a more traditional-style home. He said the garage is on the first level, the kitchen/living areas on the second level, and the bedrooms are on the third level. He said these homes sell for approximately $350k-$400k. Mr. Victor showed a typical layout of each home. He said about one half of the homes are going to be the "Griffin Hall" style, and the others would be split equally between the "Rosecliff" and the "Schubert" models.

Mr. Victor continued with his Power Point presentation and showed the layout of the entire plan that had previously received tentative approval by the Board of Supervisors. He then showed where Phase I and II are split. Audience members began asking numerous questions about the development. Mr. Tranquill asked them to wait until Mr. Victor was done with his presentation and then ask their questions in an orderly fashion. Mr. Victor explained there will not be an access into the plan from Fox Chapel Road. Mr. Tranquill asked about the demographics of the home styles. Mr. Victor said traditionally, the "Schubert" style attracts first time home buyers, and "Rosecliff" and "Griffin Hall" normally attract "empty-nesters". He said price usually determines who purchases what type of style. Mr. Victor continued with his Power Point presentation, showing construction plans, landscape plans, grading, etc.

Mr. Tranquill said the plan was tabled last month due to numerous outstanding items listed in the Engineer's letter. Mr. Victor said revised plans were submitted since that time. He said Lennon Smith provided a comment letter today addressing the Engineer's concerns in his review letter dated August 17, 2017. Mr. Herring said they did receive the letter just prior to tonight's meeting but have not received new plans yet.

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Mr. Herring reviewed Mr. Slagle's letter dated August 17, 2017. He said the HOA must include protective covenants including restrictions on development of the grass strip areas between the driveways and an O&M regarding of the sidewalks and trees. Copies of the HOA need to be provided. Mr. Victor said he has submitted this already to the Township and the 4 units in question have been addressed. Mr. Herring continued saying one of the major issues prior to final approval is to receive their Highway Occupancy Permit (HOP) from Allegheny County approving and confirming the feasibility of the plan prior to development. Mr. Victor said they have not submitted the application to the County yet but are working on it. They plan to submit it as a 3rd party Permit. He said it usually takes about 30 - 60 days for the County to respond and/or issue the HOP. Mr. Victor said their traffic engineer, Wooster, said the site distance on Dorseyville Road is adequate. He asked that the County HOP be placed as a condition on the plan.

Mr. Victor said the Developer plans to pay the $750/unit recreational fee in lieu of providing recreational areas. Mr. Herring said a geotechnical engineer must be on site to certify proper fill placement. He said this will be stated in the Developer's Agreement. It was noted the gravel cul-de-sac shall be allowed for up to 3 years; after this time, it must be paved in accordance with Township standards. Mr. Herring said a vertical curve for the grade change on Curtis Court at Station 0+63.00 must be provided. Mr. Victor said this will be shown on the plans. Also, a 50 right-of-way (25' centerline) for the portion of the property that abuts Fox Chapel Road needs provided. A letter from the local fire department regarding the adequacy of the fire protection and adequate hydrant location needs submitted. Mr. Victor said he has been working with Fox Chapel Water Authority on this. Mr. Curti said since he is the Fire Marshal for the Township, he has discussed relocating some of the hydrants. Subsequently, they will present the plans to the fire department.

Mr. Herring continued reviewing the Engineer's letter, and noted the requirements regarding public streets must be followed. Mr. Herring said a letter of approval from DCDBA regarding approval of the sanitary sewer system needs provided. Mr. Victor said he has submitted plans to them but has not yet heard back from them. Mr. Herring said the Developer must conform with all of the "Findings of Fact, Conclusions, and Decision of the Board of Supervisors" that were listed in the Board's approval of the tentative plan which he then summarized.

Approval from the ACCD/PaDEP of the NPDES Permit for the Erosion and Sedimentation Control Plan is needed. Mr. Victor said they have applied for it and are awaiting a response. Mr. Victor said they have provided a response to the Allegheny County Department of Economic Development's review letter dated August 8, 2017. Mr. Herring said the Developer must establish a Special Stormwater Facility Management Fund to defray inspection/maintenance costs incurred. The stormwater facilities are proposed to be privately owned by the HOA; therefore, access needs to be provided to the Township. Mr. Victor asked if the

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$5,000 Stormwater Management Fund still needs to be paid since they will be privately owned; Mr. Herring said yes. Mr. Victor said it will be included in the HOP that the County approves the proposed storm sewer tie-ins along Dorseyville Road. The owner must also pay the Township a roadway impact fee of $1,100/unit. Watertight connection details regarding the lots connecting into the 24" corrugated plastic pipe along Olivia Drive need provided. Mr. Herring said after final approval is given, a cost estimate for the construction of Phase I must be provided. Also, the owner must enter into an acceptable Developer's Agreement as prepared by the Township Solicitor and post all appropriate bonds.

Mr. Herring said many of the outstanding items are third-party items and minor in nature. Mr. Curti said he received an email from Fox Chapel Water Authority that they will provide water service to the plan. Mr. Tranquill asked if the HOP needed from Allegheny County is considered a third-party item. Mr. Curti said it is usually received prior to executing the Developer's Agreement.

Mr. Tranquill reminded the audience that the Planning Commission is a recommending body only. He said the Board of Supervisors previously gave the Developer tentative approval, but then an appeal against it was filed by a group of residents. He expressed concerns about recommending final approval of Phase I to the Board while it is still under appeal. Solicitor Conlon explained the process as per the MPC. He said if the Judge rules against the tentative approval of the Board, then the final submittal of Phase I cannot be done. He said the MPC views them as two separate types of submittals. Mr. Curti said until approval is received by the Judge, the Developer's Agreement cannot be executed.

Hardie Burgan of 107 Valley Lane asked what would happen if the County does not approve the entrance off of Dorseyville Road. He asked if the Developer can legally be stopped until County approval is given. Mr. Conlon said they have not received any comments from the County regarding this issue yet. Mr. Curti reminded this is a 3rd party issue. Mr. Conlon said if the final plan is in substantial compliance, they must proceed with the Developer's applications. Melinda Guinn of 3309 Waterford Drive said she has 4 children and she said she is worried that her children will be taken out of their existing school and placed in another school due to overcrowding if a lot of families move into the new plan. Mr. Curti said it was put on the Fox Chapel School website that no redistricting is expected to occur. Emily Gouwens of 54 Ridgeland Drive asked why the property was not posted and individual letters were not sent to nearby residents, and it was just posted in the Newspaper. Ms. Gouwens said the Traffic Study was done on only one day in December, and also when there were two proposed entrances into the plan. She feels another Study should be done now that there is only one entrance off of Dorseyville Road. Mr. Victor noted the Traffic Study was revised to show only one entrance. Ms. Gouwens said DCDBA said they would provide sewage for Phase I, but she said it was indicated that Fox Chapel Sewage Authority would have to supply sewer service to Phase II. She said they indicated they did not have the ability to handle

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the additional sewage. Ms. Gouwens also said it was requested 200' of Phase II not be allowed to be clear cut; however, it appears they plan to do some cutting for Phase I in Phase II. Mr. Victor said this is only so they can put in the temporary cul-de-sac for Phase I. Ms. Gouwens asked why the cul-de-sac is not being moved entirely into Phase I, and Phase II not be touched at all at this time. Mr. Victor pointed out that other than constructing the cul-de-sac, no grading is planned in Phase II.

Mr. Conlon explained the posting requirements as listed in the MPC. He said if it was a Zoning Change, then the property would have to be posted. He said this is not a Zoning Change, only a request for a PRD, so the property does not need posted. The MPC is considered State law and the Township must follow its provisions. Chris Pegher of 200 Highland Terrace in Fox Chapel asked why this plan is good for the people. Mr. Curti suggested he read the "PRD" section of Indiana Township's Zoning Ordinance for an explanation of a PRD. Mr. Victor pointed out the plan submitted tonight is for final approval of Phase I only; they already received tentative approval from the Board for the overall plan. Mr. Pegher read something he saw on the Fox Chapel School District web site. Mr. Tranquill asked Mr. Victor if he talked to the School Superintendent Freeman, as was suggested at their last meeting. Mr. Victor said he called him the day after the July meeting, but Mr. Freeman never returned his call. Diane Briars of 315 Olde Chapel Trail in Fox Chapel said she talked to Mr. Freeman the following Monday; Mr. Freeman told her Mr. Victor never called him.

Audience members discussed the demographics of the plan and its possible impact on the community. Mr. Tranquill said it is tough to determine exactly what types of people will purchase the town homes. Mr. Pegher said he had a few items of concern from the tentative approval that was given. He asked what is the MPC. Mr. Conlon explained it is a document done by the State of Pennsylvania and is a law that must be followed; it presides over items in the Township's Ordinance requirements. He suggested Mr. Pegher review the section of the MPC regarding Planned Residential Developments. Mr. Pegher also questioned why the "Valley News Dispatch" was used to advertise the Public Hearing that was held; he said most people he has talked to never heard of it. Mr. Pegher asked how many acres are in Phase I; Mr. Victor said about 10 acres. Mr. Pegher asked what the Zoning Designation is of the plan; he was told it is in an "MDR - Medium Density Residential" zoning district. Mr. Pegher said he has concerns about the slope of the area. Mr. Victor said it varies throughout the plan, but they are in compliance with the requirements. Mr. Pegher asked if the current landowners feel the plan is in the best interest of the surrounding community; Mr. Victor said the landowner indicated to him that is. Mr. Pegher said he feels according to Section 401(F)6. of the Township's Zoning Ordinance that this plan should not be submitted as a PRD, but would be better submitted as a regular subdivision plan. Various audience members said they agree. Mr. Pegher said his intent is to bring up criteria that affected the plan receiving tentative approval. Mr. Conlon explained the plan

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presented tonight is NOT for tentative approval of the entire plan, it is for Final approval of Phase I only. Mr. Conlon said the meeting tonight is not a hearing for the reason of tentative approval. Tentative approval was already received but was appealed by residents and is now in front of Judge Jones to make a decision. A Township resident said the appeal hearing is to be held on August 30th. Mr. Tranquill said the Developer has met everything they needed to meet to gain tentative approval. Mr. Pegher said he would like to see the cul-de-sac built in Phase I, not in Phase II. Mr. Victor said the cul-de-sac is in the same location as it was when tentative approval was received, and cannot be moved at this point since it is already approved at this location.

Mr. Slagle said he feels the plan is down to only 3 major points: Approval from Allegheny County (HOP), the various 3rd party approvals, and the Developer running the risk of losing its access off of Dorseyville Road if it is not approved by the County. He said as far as the cul-de-sac concerns, it is only a temporary cul-de-sac being proposed. Mr. Slagle said a lot of governmental items, such as the NPDES approvals, etc. are considered 3rd party because one cannot proceed until another gets approval. They are all conditions of the "tentative" approval of the entire plan. He said the Board of Supervisors requested the Developer make numerous changes to its original plan. He also said there have been approximately 10 meetings this plan was presented at since the first submittal. Both the Planning Commission and Board of Supervisors have seen it many times. He said he feels from an engineering standpoint, the plan DOES meet the requirements of the Township's SALDO. Ms. Byers said when Mr. Herring reviewed the Engineer's letter, a number of items had not been satisfied yet. Mr. Slagle said Mr. Herring was just re-iterating items that were not done yet; all of them will be addressed in the Developer's Agreement. Ms. Byers asked who ensures the 3rd party agencies respond in a timely fashion. Mr. Victor said there are so many agencies involved, it is hard to decide which one comes first. He said each agency reviews items as presented at different times. He said this is why they need approval conditioned upon the 3rd party items. Ms. Byers asked if they are prohibited from going forward with building until all of these items are received; Mr. Victor said this is correct. Mr. Pegher read once again from the Township's Zoning Ordinance about PRD's and he said he feels the Planning Commission can just "pass the buck" to the Board of Supervisors, or continue to meet and talk about the outstanding issues. An audience member asked if the Developer can be forced to wait until everything is in place. Mr. Conlon said they have 45 days from the application date to make a decision, as per the MPC. Mr. Victor agreed the Township must act within this time frame.

Brad Ummer of 2211 Hassinger Lane asked about Phase II and if the Board is required to approve it as well. Mr. Victor said at some point a decision will need to be made on Phase II, but right now the biggest issue holding it up is who will provide the sewage. Mr. Ummer said it appears that Phase II stops in the middle of the properties. He also asked about the stub shown on the plan. Mr. Victor said it is

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only being shown because it is part of the plan if ever needed. He said it is up to the Board as to how it might be used. Mr. Ummer asked about the adjacent properties owned by the Mantia's. He asked about their locations and if the Mantia's asked for the stub adjacent to one of his properties be put on the plan. Mr. Victor said the Developer has no interest in the Mantia property. They did speak with him initially, but they could not come to terms on an agreement.

Hiller Hardie of 825 Dorseyville Road said he was disappointed the Public Hearing was advertised in the Valley News Dispatch; he does not read that paper. He said he feels the Township needs to make its residents more aware of upcoming developments. He said he is also disappointed with the Traffic Studies that were done. He expressed concerns about additional traffic being generated by the proposed Crossings Nursing Home to be built at the corner of Harts Run Road and Saxonburg Blvd. He said he felt the Township was "hiding" the Public Hearing notice from people by advertising it in the Valley News Dispatch. Mr. Tranquill asked Mr. Hardie where he felt was the best place to advertise the Public Hearing. Mr. Hardie said in the Herald. Mr. Geahry suggested residents check online for the Meeting Agendas, which are posted monthly on the Friday prior to both the Planning Commission and Board of Supervisors Meetings, and to then actually attend the Meetings that are of interest to them. Other audience members agreed they felt the Herald would be a better newspaper to advertise in. Mr. Hardie also suggested the properties should be posted. Mr. Hardie's wife Sharon said she feels the Township Planning Commission is just a "fraternity of men and good old boys" who do not really care about the Township. She said she feels the Commission is "antiquated" and also that there should be female Members on the Commission. Mr. Ceponis said he was insulted by her comments. Mrs. Hardie said she feels the Meetings are advertised in the Valley News Dispatch because nobody reads it. Mr. Victor pointed out the Public Hearing was duly advertised in a newspaper of general circulation throughout the Township, as required by the MPC. Mrs. Hardie asked if the Planning Commission were also considered to be the Board of Supervisors. Mr. Ceponis said no; they are two different groups. He clarified the Planning Commission is ONLY a recommending body to the Board of Supervisors. The Planning Commission Members are appointed by the Board of Supervisors; it is not an elected position. Mara Baginsky of 17 Oak Spring Drive asked the Commission Members to individually answer if they have taken any "pay-outs or gifts" from Ryan Homes to ensure the plan gets approved. The Commission Members and others responded "NO", and said they were appalled at the accusation. Mr. Curti said he resents the fact that they are being accused of taking bribes. Ms. Baginsky asked the Solicitor if she is out of line by asking this. Mr. Conlon said he feels the Commission Members and others have sufficiently answered her question.

David Patterson of 920 Old Mill Road expressed concerns on how a decision of this magnitude can be made without considering everything. He questioned if anyone seated at the dias can make a reasonable decision. Ms. Gouwens said she feels all items are not being evaluated. She questioned if Ordinances are being read

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correctly, if all things are being followed though, etc. She also asked how many Developments are under review by the Township right now. She was guessing five. She questioned how can Ordinances be obtained for citizens to be better informed. She also said she felt the "tentative" approval of the entire plan should be re-opened and re-visited. Another resident suggested the Developments be listed in the Township's Newsletter. Mrs. Rouggie said she puts together the Newsletter, which only comes out three times a year, and it would be impossible to make sure the information on each proposed Development is as up-to-date as possible. Mr. Conlon said according to the MPC and the Township Ordinance, the Public Hearings must be published in a newspaper of general circulation within the Township. Audience members felt the Valley News Dispatch was not a local newspaper and many claimed they never even heard of it. A discussion was held between the audience and the Commission Members.

Marla Jonas of 564 Dorseyville Road in Fox Chapel asked why the Developer requested a 30 day extension at the last Planning Commission meeting. She asked why residents cannot ask for a 30 day extension. Mr. Victor said the Planning Commission has the right to ask for an extension if they need more time to review a plan and as a recommending body, they can "grant" permission for an extension request. Mr. Tranquill said there are time restrictions in the MPC that require time extensions be requested by the Developer to ensure a Development is not deemed approved if not acted upon in a timely manner. Ms. Jonas said she does not feel the community was given a sufficient chance to review and comment on the plan.

Mrs. Hardie said she lives in Voting District #5 and asked if there are any other proposals that are being submitted. Mr. Curti said there is one for a 3 or 4 lot subdivision behind Health South Harmarville being looked at. Mrs. Hardie said this PRD is the first large subdivision being planned in her District and she feels they are being "railroaded". She also said she feels this type of development is not in "character" with the existing neighborhood in which she lives. She feels the development was being hidden from them. She asked why the Commission cannot suggest tabling the proposal until a decision is reached by the Court on the pending lawsuit. Mr. Conlon said the Planning Commission can recommend approving the plan with conditions or recommend that it not be approved. However, there are still time restraints that need to be followed from the Developers' submittal date. They have 45 days from tonight's meeting to make a decision or they could automatically be "deemed" approved, according to the MPC.

An audience member asked why the Zoning Ordinance cannot be changed - starting tonight. Mr. Curti explained any requests for changes to the Zoning Ordinance must first be officially submitted to the Board of Supervisors for consideration. Mr. Conlon said the final plan of Phase I is in compliance with what was approved by the Board for "tentative" approval of the entire plan. Mr. Tranquill said if they recommend approval tonight, it will be passed along to the Board of Supervisors for their consideration. Ms. Gouwens asked why the "tentative"

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approval cannot just be re-opened. Mr. Conlon said that is not an option at this point; the Board of Supervisors already approved it. A discussion was held amongst the audience members on what should be done with the recommendation to the Board by the Planning Commission tonight. Mr. Herring said the Planning Commission can recommend approval conditioned upon the outstanding items in the Engineer's letter, and then incorporate it into the Developer's Agreement. Ms. Byers asked what a Developer's Agreement was. Mr. Herring explained it is the final legally binding document between the Township and the Developer. Ms. Jonas asked who granted the Developer time extensions. Mr. Conlon said the Board of Supervisors. Another resident questioned why the Developer cannot be forced to ask for another time extension. Mr. Victor said they do not wish to ask for another extension. Mr. Tranquill asked if after they recommend approval, will it go on to the Board of Supervisors for consideration. Mr. Curti said yes; the Planning Commission is only a recommending body. Sarah Cicero of 15 Oak Spring Drive said they sent in a "Right to Know" request for information they wanted prior to tonight's meeting to the Township's Right-to-Know Officer, but they did not receive what they requested yet. Mr. Conlon said the "Right to Know" law allows the Township to allow for a 30 day extension on the request if a lot of information needs to be gathered. Ms. Cicero said she feels the Township delayed their request on purpose so they would not have the information they wanted to bring to tonight's meeting on time.

Mr. Tranquill said he feels they should recommend approval of Phase I tonight, with the conditions noted by the Engineer in his review letter, and send it to the Board of Supervisors for their review. Audience members did not agree; they feel it should be denied because they just do not like the type of development being proposed. Mr. Tranquill said the Board of Supervisors need time to review the proposal too. Mr. Conlon reminded Chairman Tranquill that he cannot make the initial motion. An audience member said he feels that the residents concerns should all be made parts of the conditions as well. Two young ladies asked to be allowed to speak to the Commission Members. One of the young girls said she loves nature and does not like that trees will be destroyed; they are habitats for a variety of animals. The other young lady said she is starting middle school soon, and she does not want to be forced to have her classes held in a trailer instead of classroom due to overcrowding. The Commission Members thanked the young ladies for their input.

Mr. Ceponis made a motion, seconded by Mr. Geahry, recommending final approval of the Fox Chapel Estates - Planned Residential Development (PRD) - Phase I, providing the outstanding items listed in the Township Engineer's letters dated August 17, 2017, are satisfactorily addressed. The items to be addressed include:

1. ***Prior to final approval, Allegheny County must approve and confirm feasibility of the proposed Development by issuing a Highway Occupancy Permit.***

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2. ***The Developer has opted to pay the recreational fee of $750/unit in lieu of providing recreational areas.***
3. ***A geotechnical engineer must be on site to certify proper fill compaction/keyway installation/benching.***
4. ***The proposed gravel cul-de-sac shall be allowed for a period not to exceed 3 years, after which the cul-de-sac must be paved in accordance with Township Standards.***
5. ***Provide a vertical curve for the grade change on Curtis Court at Station 0+63.00.***
6. ***Provided a 50' right-of-way (25' centerline) for the portion of property that abuts Fox Chapel Road.***
7. ***Submit a letter from the local fire department regarding the adequacy of fire protection and acceptable hydrant location.***
8. ***Provide approval from DCDBA for the proposed sanitary sewer system.***
9. ***No structures shall be placed in the buffer yard areas associated with Unit Numbers 56, 57, 58, 61, and 91.***
10. ***All buffer yard trees and reforestation trees shall be planted when grass is established or as soon as practical thereafter, but no later than the next planing season. The Developer shall replace any trees that die prior to the final completion of the development.***
11. ***There shall be no grading or removal of any living trees within 200' from Fox Chapel Road until Phase II receives final approval.***
12. ***It is expressly conditioned that the spur shown does not imply connectivity or authorization of a potential through-street from the site.***
13. ***Each unit shall have two (2) parking spaces in the garage and two (2) parking spaces in the driveway.***
14. ***Provide Allegheny County Conservation District/PaDEP approval of the NPDES Permit for the Erosion and Sediment Control Plan.***
15. ***The owner must establish a Special Stormwater Facility Management Fund of $5,000/basin to defray the cost of inspection and maintaining the facilities for a period of 10 years.***
16. ***The stormwater facilities are proposed to be privately owned by the HOA; therefore, access needs to be provided to the Township.***
17. ***Provide watertight connection detail regarding the connection of Lots 10, 11, and 12 that are proposed to connect directly into the 24" corrugated plastic pipe along Olivia Drive.***
18. ***The owner will be required to pay the Township a Roadway Impact Fee of $1,100 per dwelling unit.***
19. ***The Developer shall enter into a Developer's Agreement and post all appropriate bonds.***

Motion carried unanimously.

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RICHMONT ESTATES - PLANNED RESIDENTIAL DEVELOPMENT (PRD) - Tentative Approval

Commission Members were once again presented with a tentative approval request for a development known as Richmont Estates. It consists of the development of Parcel 726-L-322 (12.7 acres) and a majority of Parcel 726-L-312 (21.2 acres) into 68 lots. The properties are located east of Rich Hill Road, approximately 0.4 miles north of the intersection with Jacoby Road. The property is zoned "MDR" Medium Density Residential. Steven Victor, ASLA and partner at Victor-Wetzel Associates, was present to represent the applicant, Leslie Road Associates, LLC.

Mr. Victor said he did a preliminary presentation at the Planning Commission Meeting in July. Mr. Tranquill said they asked for five waivers from the Ordinance at that time. Mr. Victor said they asked for them because they will aid in selling in today's marketplace. Mr. Tranquill asked if they still plan to sell the lots to Ryan Homes to build; Mr. Victor said they do. Mr. Tranquill said the homes are to be Single Family Dwellings and they were previously told the price point will be about $250k+. He also said the Developer is asking for five waivers from the Board of Supervisors. Kyle Rusche of 22 Oak Knoll Drive asked why waivers are granted and said he felt this should be discouraged. Mr. Victor showed a Power Point presentation of the plan, which included the location of homes, the proposed roadway system, slopes, etc. He said two detention facilities are proposed. He also said they need to encroach into the buffer areas in some places due to the steep slopes of the land. He said they are asking for five waivers for trees, side yard setback reductions, lowering distances between homes, some slope disturbances, and slope impacts. He said they have modified some of the waiver requests since they previously presented the plan at the last Planning Commission Meeting. Mr. Curti asked what type of exterior siding they plan to use. He said he feels if they are granted the waiver for the homes to be built closer together, then non-combustible materials should be used for the sides of the homes. Mr. Miller asked how many lots they would lose if the requested waivers are not received; Mr. Victor said eight lots. Commission Members and Mr. Curti agreed they felt it reasonable to reject some of the requested modifications. They also agreed the plan may look better with less homes.

Mr. Herring reviewed the Engineer's letters dated August 17, 2017. He said letters from all utilities regarding their ability to service the plan need to be provided. Mr. Victor said they have them all except West Penn Power. All covenants, easements, or other restrictions need provided prior to the final plan review. Mr. Herring said the required side yard setback is 15'. He said the Developer is requesting a ***waiver*** for this to be reduced to 10'. Previously, they asked for it to be reduced to 7 ½'. Mr. Herring said the Ordinance requires no structures to be located closer than 25' from each other. He said the Developer is requesting a ***waiver*** of this to be reduced to 20' apart.

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Mr. Herring continued and said the Traffic Impact Study must investigate pre- and post- development impact at all proposed intersections within a ½ mile radius. He said the Study they submitted did not include the Shawnee Ridge Plan, which is within this radius. Mr. Victor said he will have their Traffic Engineer Wooster Associates re-do the Study to include Shawnee Ridge. Mr. Herring said they also need to improve/overlay Rich Hill Road 200' in each direction from the entranceway into the proposed plan.

Mr. Herring said no more than 25% of slope areas with existing grades between 25% - 40% shall be stripped of vegetation or disturbed through grading/filling. The Developer said due to the location of a detention facility needing to be relocated, they are requesting a ***waiver*** from this provision. Mr. Herring said no development or disturbance is allowed on slopes exceeding 40%. He said the Developer is requesting a ***waiver*** from this provision. Mr. Herring said a preliminary Geotechnical Report was submitted which the Developer feels justifies their requested waiver. Mr. Herring said a Geotechnical Engineer must be on site and a final Geotechnical Report be provided certifying the final fill placement.

Mr. Herring said a deed research needs to be done for the private right-of-way for nearby McDade Lane relative to encroachment onto the Richmont property. A permanent right-of-way and temporary construction easement for McDade Lane needs provided relative to this encroachment. Mr. Victor said the survey done by Hampton Technical Associates shows there is no encroachment, unless there is something shown in historical data. Mr. Slagle asked if they are willing to provide a 50' right-of-way. Mr. Victor said they can, with 25' on center.

Mr. Herring said if the Developer clears more than 25% of a site for constructing a PRD, a tree study needs submitted and replacement trees in accordance with the Township Ordinance need to be planted at a minimum of 2 street trees per lot. The Developer is requesting a ***waiver*** from this provision for the replacement density. Mr. Herring asked if they are requesting the same waiver on this plan as they did for the Fox Chapel Estates PRD. Mr. Victor said they are; one tree per 17 square foot to be replaced, as suggested by the Board of Supervisors.

Mr. Herring said when submitting for final approval, all proposed improvements i.e. public streets, storm and sanitary sewers, etc. as outlined in Chapter 1270: Improvements in the Township's SALDO must be addressed. Mr. Herring said a Township/State roadway bond must be posted if material is hauled to or from the site; Mr. Victor said nothing will be hauled. Mr. Herring said a response was received from the Developer regarding the comments made by the Allegheny County Department of Economic's review letter dated August 11, 2017. Mr. Herring said the County mentioned concerns regarding slopes. Mr. Victor said a Geotechnical Engineer looked into this and said there was no concern regarding possible landslides. Mr. Herring asked if a Geotechnical Engineer will be onsite

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during the grading process; Mr. Victor said yes. Mr. Herring said the County referred to this portion of Rich Hill Road as being a State-owned roadway; Mr. Curti clarified it is owned by the Township.

Mr. Herring said approval of the NPDES Permit from the ACCD/PaDEP needs provided for earth disturbances of more than one acre. A General Permit for the proposed filling activities in the upper reaches of Stream WC-2 and WC-3 needs provided. The locations of all existing and proposed utilities and easements need shown on the final plan. The Owner will be required to pay a Roadway Impact Fee of $1,100/dwelling unit to the Township. Also, a fee of $750/unit needs to be paid to the Township or recreational areas need to be provided. The Developer must enter into an acceptable Developer's Agreement as prepared by the Township Solicitor and post all bonds.

Mr. Herring then reviewed the Engineer's letter dated August 17, 2017 for the Storm Water Management Plan. Approval from the Allegheny County Conservation District/PaDEP of the NPDES Permit needs provided. Mr. Victor said this has not been applied for yet. Mr. Herring said infiltration tests at each proposed infiltration/detention basin to verify the design infiltration rate needs submitted. Mr. Victor said some have been done but for private locations. Mr. Herring said a stainless steel or HDPE trash rack on each riser structure needs provided. He also said the proposed lots are required to have a dedicated roof leader collection line. The detention impoundment shall have a clay core, anti-seep collard, and be designed and constructed under the direction of a licensed Geotechnical Engineer. The owner must establish a Special Purpose Stormwater Facility Management Fund of $5,000/basin to defray the cost of inspection and maintaining the facilities for a period of 10 years. Mr. Herring asked who will own the basins. Mr. Victor said the HOA, and they will provide access for the Township. Mr. Herring said if the detention basins are dedicated to the Township, they must be on their own separate parcels. If the HOA will own and maintain the facilities, then an O&M plan must be provided. Mr. Victor said they can submit an O&M plan.

Mr. Herring continued and said inlets along Jacoby Road need provided and they need to extend the storm sewer along Jacoby Road to the existing stream crossing. Mr. Victor said they are located 300' east of McDade Lane. Mr. Slagle said the Township is currently working on a Project in that area, and they may be able to coordinate the plans together. Mr. Victor asked if Jacoby Road is located in Harmar or Indiana Township. Mr. Slagle said the Township believes this section of the roadway is in Indiana Township, but Harmar Township believes it is in their Township.

Mr. Tranquill asked if school busses will go into the plan. Mr. Victor said they are welcome to; they expect this plan to attract a lot of families with children. Mr. Geahry asked what the areas shown on the northerly portion of the plan are; Mr. Victor said they are re-forestation areas and are located behind the existing homes

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on Rich Hill Road. Mr. Tranquill questioned the impact of additional water being created when the trees are cut down. Mr. Victor explained the storm water management issues they plan to use. Mr. Curti asked if the right-of-way that borders the backside of the properties could be put in the far rear of the plan instead of through the backyards to avoid future requests to build pools, sheds, etc. being turned down so they will not be on top of the utility right-of-way. Mr. Victor said this could impact the easement for the roof leader. Mr. Curti said he would not like to see the utility right-of-way run through the back yards of the properties like they do in the Shawnee Ridge Plan. It impacts the installation of future accessory structures from being built. Mr. Victor said it can be moved back as far as possible.

Commission Members agreed they would not recommend approval for the waivers requested regarding reducing the side yard setbacks to 10' or the waiver for the structures being located only 20' from each other rather than the required 25'.

Mr. Miller made a motion, seconded by Mr. Ceponis, recommending tentative approval of the Richmont Estates - Planned Residential Development (PRD) conditioned upon the outstanding items listed in the Township Engineer's letters dated August 17, 2017, are satisfactorily addressed. They also recommend the waivers on the side yard setbacks and distance between homes <u>not</u> be granted. Outstanding items from the Engineer's letters include:

1. ***Provide letters from all utilities regarding service availability.***
2. ***Provide all covenants, easements, or other restrictions proposed to be imposed upon the use of land, buildings, structures, rights-of-way, etc. during final plan review.***
3. ***The required side yard setback is 15'. The Developer is requesting a waiver of this and requesting a 10' side yard set back. The Commission Members recommend this be denied.***
4. ***No structure shall be located closer than 25' from any other structure in a development. The Developer is requesting a waiver of this and requesting a 20' building separation distance. The Commission Members recommend this be denied.***
5. ***The Traffic Impact Study must investigate the pre- and post-development impact at all proposed intersections within a ½ mile radius. The impact from the Shawnee Ridge Plan needs considered.***
6. ***Improve/overlay Rich Hill Road 200' in each direction from the entrance way.***
7. ***No development or disturbance shall be allowed on slopes exceeding more than 40%. The Developer is requesting a waiver from this provision.***
8. ***Provide a Final Geotechnical Report certifying proper fill placement and that a geotechnical engineer must be on site.***

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9. ***Provide permanent right-of-way and temporary construction easement for McDade Lane relative to encroachment on the Richmont property.***
10. ***Grading or clearing of more than 25% of a site for constructing a PRD requires a tree survey. Replacement trees shall equal a minimum of 2 street trees per lot. The Developer is requesting a waiver on this provision for the density replacement.***
11. ***Provide Allegheny County Conservation District/PaDEP approval of the NPDES Permit for earth disturbances in excess of one acre.***
12. ***Provide a General Permit for the proposed filling activities in the upper reaches of Stream WC-2 and WC-3.***
13. ***Provide the locations of all existing and proposed utilities and easements.***
14. ***The owner will be required to pay the Township a Roadway Impact Fee of $1,100 per dwelling unit.***
15. ***The Developer must pay the Township recreational fee of $750/unit or provide recreational areas.***
16. ***Provide Allegheny County Conservation District/PaDEP approval of the NPDES Permit.***
17. ***Provide infiltration tests at each proposed infiltration/detention basin to verify the design infiltration rate.***
18. ***Provide a stainless steel or HDPE trash rack on each riser structure.***
19. ***The proposed lots are required to have a dedicated roof leader collection line.***
20. ***The detention impoundment shall have a clay core, anti-seep collard, and be designed and constructed under the direction of a licensed Geotechnical Engineer.***
21. ***The owner must establish a special Stormwater Facility Management Fund of $5,000/basin to defray the cost of inspection and maintaining the facilities for a period of 10 years.***
22. ***Provide inlets along Jacoby Road and extend the storm sewer along Jacoby Road to the existing stream crossing.***
23. ***If the detention basins are dedicated to the Township, they must be on their own separate parcels. If the HOA will own and maintain the facilities, then an O & M plan must be provided.***
24. ***The Developer shall enter into a Developer's Agreement and post all appropriate bonds.***

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Mr. Slagle said sidewalks in the plan must be ADA compliant; Mr. Victor said they will be. Hiller Hardie of 825 Dorseyville Road asked why the Commission is considering granting any waivers from the Ordinance; he said he feels none should be given. Mr. Victor said the Developer always has a right to ask for them, but they are not always granted. Mr. Slagle said if the waivers requested are not given, it may cost the Developer another $30k - $40k for additional Geotechnical studies and reports to certify proper fill. Mr. Slagle said waivers are thoroughly reviewed before

being granted. Cristie Good of 21 Olde Timber Trail in Fox Chapel asked where the children living in the plan will attend school. Mr. Curti said Hartwood Elementary School. Mr. Slagle asked the audience members to remember that tonight's submittal is for "tentative" approval only. The Commission Members and Mr. Curti thanked the remaining audience members for staying to hear the discussion of the Richmont Plan, whether it impacts them or not. Mr. Rusche said he now has a better understanding of the waivers and why they are requested. Mr. Curti explained that townhouses are required to be sprinklered by Law but single family dwellings are not. He said this is why he is requesting the use of non-combustible materials to be used for the exterior walls of the homes. Mr. Victor said if two of the waivers are not granted, the number of homes in the plan would be reduced from 68 to 60. Mr. Curti said he feels the plan would be more appealing with having the homes 25' apart rather than only 20' apart. Ms. Good said she is concerned about the impact the number of children in the plan could have on the school district. Mr. Curti said he has made two calls to Superintendent Freeman at the School District to discuss this and left messages for him, but his calls have not been returned. Mr. Victor said he does not feel the School District is concerned about the capacity of students; they can bus them to other schools within the District if needed. Mr. Ceponis said he feels the Richmont PRD will impact the schools more than the Fox Chapel Estates PRD, which are all townhouses. Mr. Rusche said it seems odd to have single family homes across the street from a trailer park.

Motion carried unanimously.

Mr. Curti added that Indiana Township is one of the last municipalities in the Fox Chapel Area School District that still has a lot of area for growth. He said a lot more Development proposals could come in. He also said granting waivers is very common in PRD requests. He also noted the Township's SALDO needs to be updated.

CORRESPONDENCE:

None was presented.

ADJOURNMENT

Mr. Rouggie made a motion, seconded by Mr. Geahry, to adjourn the August 23, 2017, Planning Commission Regular Meeting. Motion carried unanimously.

The meeting was adjourned at 9:35 p.m.

Jacquelyn A. Rouggie, Recording Secretary

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