# TOWNSHIP OF INDIANA

# PLANNING COMMISSION

**JULY 25, 2018**

A regular meeting of the Indiana Township Planning Commission was called to order at 6:00 p.m. by Chairman Thomas Ceponis 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, Pat Miller, and Michael Rouggie. David Geahry and Cecil Tranquill did not attend. Also in attendance were Code Enforcement Officer Jeffrey S. Curti, Recording Secretary Jacquelyn Rouggie, Engineer Daniel Slagle, P.E., and Engineer Robert Herring, P.E./Project Manager from Nichols and Slagle Engineering.

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**REGULAR MEETING MINUTES OF MAY 23, 2018**

***Mr. Rouggie made a motion, seconded by Mr. Miller, to approve the May 23, 2018, Regular Meeting Minutes as presented. Motion carried unanimously.***

**DEVELOPMENT PROPOSALS**

**ANGEL'S DISTRIBUTING - SIMPLE SUBDIVISION**

Commission Members were presented with a subdivision plan of one property (4.703 acres) into Lot 201 (1.3040 acres), Lot 202 (2.6543 acres) and a residual roadway dedication (0.7720 acres). The property is located on the western side of Blue Run Road, approximately 0.2 miles northwest of the intersection with State Route 910. The property is zoned "LI" Light Industrial. Project Manager Robyn Brady from Hampton Technical Associates, Inc. was present to represent the applicant Angel's Distributing, Inc - Ralph Angel.

Ms. Brady said the existing commercial building used for their business is located on Lot 201. They would like to build a six-unit rental space on Lot 202. They need to subdivide their property in order to do this. Mr. Herring said since the Engineer did his review letter dated July 11, 2018, a lot of the items were addressed when the Applicant revised the plans.

Mr. Herring reviewed the Engineer's letter dated July 11, 2018. He asked if there were any natural and/or artificial features on the property that are not shown; Ms. Brady said there are none. Mr. Herring said the reference to Blue Run Road and the proposed right-of-way needs removed. Ms. Brady said they left the right-of-way line on the plans for dedication purposes; Mr. Herring said the right-of-way width call-outs need to be removed due to the variable width . Mr. Herring said the proposed 10' Sewer and Utility Easement on the western side of the property has been extended as requested. Ms. Brady said they are still working on a stormwater design for the newly created lot. Mr. Herring said they need to comply with any

comments for the Allegheny County Department of Economic Development when their letter is received. Mr. Curti said the plans and application were sent to the County on July 12, 2018 from his office. Mr. Herring said the final set of plans must be sealed and signed by a person that is qualified to prepare them. Mr. Herring asked if there are any protective covenants running with the land; Ms. Brady said there are none.

Mr. Herring asked what the purpose of the proposed 30' access right-of-way is and whether it is public or private. Ms. Brady said she spoke to the owner of Angel's Distributing, Ralph Angel, and he said the easement will be used for delivery trucks only on Lot 202 to access the rear of the building. Ms Brady said residential vehicle traffic will enter directly from Blue Run Road and stay in the front area of the building. Mr. Herring asked if there will be a connection between the two. Ms. Brady said there will be no reason for people to use the right-of-way to the rear lot. Mr. Ceponis asked what the proposed size of the new building will be; Ms. Brady said 130' x 60'. Mr. Ceponis asked about the stormwater management plan not being complete. Mr. Herring said this will be handled when they come in with their site plan; it is not part of the subdivision approval. Mr. Slagle said when Angel's Distributing came in back in 2004 for the site plan for their current business, they had agreed to dedicate land to the Township to straighten the bad curve on Blue Run Road, in front of their property. He said the Applicant has still dedicated this area to the Township so the curve can be straightened in the future.

***Mr. Miller made a motion, seconded by Mr. Rouggie, recommending approval of the Angel's Distributing - Simple Subdivision, provided the outstanding items listed in the Engineer's letter dated July 11, 2018, are satisfactorily addressed. The items to be addressed include:***

1. ***Remove the right-of-way dimensions for Blue Run Road from the plan.***
2. ***Comply with any comments from the Allegheny County Department of Economic Development, upon receipt.***
3. ***The final set of plans must be sealed and signed by an engineer, surveyor, or other qualified person who prepared them.***

***Motion carried unanimously.***

**RICHMONT ESTATES - PLANNED RESIDENTIAL DEVELOPMENT (PRD) - TENTATIVE APPROVAL (3rd/Revised Submittal)**

Commission Members were presented with another revised tentative approval request for a development known as Richmont Estates. This PRD consists of the development of Parcel 726-L-322 (12.7 acres) and a majority of Parcel 726-L-312 (21.2 acres) into 53 lots. The PRD is comprised of 44 single-family houses and 9 townhouse structures (50 dwelling units), for a total of 94 dwelling units. The

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property is located off 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, with Victor-Wetzel Associates, was present to represent the applicant, Leslie Road Associates, LLC.

Mr. Victor said their revised 2nd proposal was denied by the Board of Supervisors because they felt too many modifications to the Ordinance were being requested by the Developer. Mr. Victor said since that time, they made changes to the plan to eliminate a few of the requested waivers. Mr. Victor gave a PowerPoint presentation of the revised plan. He said the area to be developed is very wooded. He explained the slopes and why modifications are needed. He said single family homes would be on the left side of the plan. They would be about 24' wide and be 2 and 3 bedroom homes. He said the townhomes would be on the right side of the plan. Mr. Miller asked what the price point would be. Mr. Victor said he believed the townhomes would sell for about $225,000 and up, and the single family homes for about $275,000 and up.

Mr. Victor said since their previous submittal, they have reduced the number of Single Family Dwellings (SFD’s) to 44 and the townhomes to 50. He showed the areas that would be kept as open space and said they would be maintained by the Homeowner’s Association. Mr. Victor indicated the street was moved to avoid having to ask for a modification for the street. He said the layout of the streets are now the way the Planning Commission members previously agreed they like them. He also showed the modifications made to the storm sewer system and said it is now entirely piped to Jacoby Road, as the Township requested. Mr. Curti asked if a swale was going to be put in for the piped outlet to Jacoby Road. Mr. Victor said the channels will now be piped with a swale on top in all locations draining to the detention basins.

Mr. Victor continued his presentation and showed the layout of the trees. He said the trees have been changed to be 30' near the SFD’s. Mr. Victor also indicated that the townhouses are now proposed to be located 25' apart, which now meets the Ordinance, thus eliminating another waiver. He said more trees and shrubs have been added at the entrance of the plan and will extend the full length of the roadway to provide privacy. Mr. Slagle asked if sidewalks are proposed on both sides of the roadway. Mr. Victor said throughout the plan they will go from one side of the road to the other. Mr. Slagle said to be sure to add a note on the plan that the sidewalks will be ADA-compliant at all intersections within the plan. Mr. Curti asked if they have widened the cartway at the entrance into the plan off of Rich Hill Road. Mr. Victor said they have; it is now 27' wide instead of 24'. Mr. Victor said less trees will be impacted by the new plan. However, he said they still cannot meet the extent of trees to be replaced as outlined in the Ordinance. He said the trees will be 10' on center, about the size of a seedling. He said 2,257 trees and

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shrubs are proposed to be replanted. They will be using a mix of trees and shrubs in order to increase the number to be replaced. A ***waiver*** is still being requested for replacement tree density. He said this will add to the buffer and there is plenty of trees proposed between the homes on the two streets. Mr. Victor said the slope disturbances have been changed to ensure water is diverted away from McDade Lane and it is noted in the Geotechnical Report that these slopes are adequate. Mr. Victor said a modification of the 90 degree bend on the street is still proposed.

Rick Rivett of 310 Rich Hill Road, asked how far the plan will be from his property. Mr. Victor said about 300'. Mr. Rivett said he feels detention basins are a threat to children; he thinks it should located elsewhere within the plan and as far away from the entrance to the plan as possible. Mr. Curti said the basin will be fenced in, which is a Township requirement. Mr. Rivett said he did not realize this. Mr. Victor said the Township will maintain the basins. Mr. Rivett asked if the townhouses will have sprinkler systems. He asked if there are maintenance plans in place to be sure they are checked. Mr. Curti said they are following the Statewide Building Code requirements. He said there is nothing in place for the Township to monitor sprinkler systems in privately owned homes. Mr. Ceponis agreed, saying it would not be appropriate to enter private homes and inspect them. Mr. Rivett asked what types of heads would be on the sprinklers. Mr. Curti explained this is something that is taken care of during the Building Permit process, not now. He said they must comply with the current code. Mr. Curti said the fire departments have indicated to him they are fine with the sprinkler systems.

Mr. Herring reviewed the Engineer's letter dated July 18, 2018. He said approval from Marley Ventures, LLC to relocate the gas line is needed. He said the letter that was given to him was from Marco Drilling and he asked what the relationship between the two companies were. Mr. Victor said he is not sure but he will check into it. Mr. Herring said the existing oil and gas lease for Parcel 726-L-322 is being renegotiated with EQT to eliminate the possibility for surface drilling and he asked to be provided with a revived lease upon approval and legal verification of the open gas lease. Mr. Victor said he will look into this. Mr. Herring said a subdivision plan for the Moline property is required to be done with the final submittal. Mr. Herring said no more than 25% of slope areas with existing grades between 25-40% shall be stripped of vegetation or disturbed. He said the Applicant is requesting a ***waiver*** from this provision to a 33% disturbance area. Mr. Ceponis said due to the Township's request for pipes being put in to divert water, this waiver is needed. Mr. Herring said a Final Geotechnical Report must be provided during the final approval, and a professional certification must be provided at the conclusion of the project and prior to the release of any bonds.

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Mr. Herring said 90 degree intersections are only permitted at the junction of public streets. He asked that the roadway layout be redesigned to consolidate the two roadways and provide a minimum 125' horizontal radius for cul-de-sac streets. The Township Engineer would like them to consider their original loop and swoop layout they originally submitted. The Applicant is requesting a ***waiver*** of the horizontal radius requirements by providing a 90-degree bend. The Applicant is proposing a "T" intersection for "design improvement". Mr. Herring said this would not be a true intersection. Mr. Curti said the Planning Commission has indicated in the past they like the "T" intersection instead of the swoop design. He also said the Board of Supervisors liked this design as well. Mr. Slagle said by allowing this waiver, he believes a precedent would be set for future developments, which is a concern. Mr. Curti said he agrees with the Commission Members too; he likes the "T" intersection. He said it would provide a much better access to the road that services the detention basin. He said if this waiver is not granted, trucks maintaining the detention basin would have to access it between townhouses. Mr. Slagle said an extension could be built off the roadway with a hammerhead and then the 125' horizontal radius layout could be kept. Mr. Ceponis said they discussed this before; they do not like the idea of a long, sweeping roadway. He said the "T" idea would be more aesthetically pleasing, it would help to slow traffic, etc. Mr. Curti said it is not that he doesn't mind sweeping roads, but feels this layout would provide problems for the Township's Public Works Department to access the facility to inspect it; they would have to drive on private land to get to it. He said the Public Works Superintendant told him he agrees as well.

Mr. Herring said approval for the proposed location of all fire hydrants needs submitted during final approval. Mr. Herring reviewed the required replacement of trees being removed and replanted. He said the applicant is requesting a ***waiver*** on the required density of the tree replacement. The Ordinance requires for every tree removed, that three be replanted. Mr. Victor said they are proposing to re-plant 2,257 trees, which was recommended by an arborist, using a variety of plants/trees.

Mr. Herring said all improvements, i.e. public streets, storm sewers, etc. must comply with Chapter 1270 of the SALDO. He said this will be addressed during final approval. If any material is hauled to/from the site, a roadway bond will be needed. Mr. Victor said none is proposed at this time, but if they do, the Applicant will secure any required bonds. Approval of the revised PRD from the Allegheny County Department of Economic Development is needed. Mr. Herring said a General Permit for the proposed filling activities in the upper reaches of Stream WC-2 and WC-3 needs provided. Mr. Herring asked that Mr. Victor schedule the off-site storm sewer work be done in conjunction with the Township's Jacoby Road project or if it cannot, in-kind reimbursement needs paid. Mr. Slagle said Jacoby Road is scheduled to be paved within about a week; he said the infrastructure is complete. Mr. Victor said they can provide in-kind money then. Mr. Herring said

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the Applicant will need to pay the Township Roadway Impact Fee of $1,100 per dwelling unit, as well as the Township Recreational Fee of $750 per unit in lieu of providing recreational facilities. He said the Owner will need to enter into an acceptable Developer's Agreement and post all required bonds. Mr. Herring reminded this review is for tentative approval only and additional comments shall be expected during the final approval process.

Mr. Herring then reviewed the Engineer's letter regarding the Preliminary Stormwater Management Plan dated July 19, 2018. He said ACCD/PADEP approval of the E&S Control Plan/NPDES Permit is needed. Infiltration tests need to be provided at each proposed basin for final plan approval; Mr. Victor said some may have been done already but he will look into it. The storm sewer collection system design will also be reviewed during final approval. Mr. Herring said the detention impoundment shall be designed and constructed under the direction of a licensed professional geotechnical engineer. Mr. Victor said their geotechnical engineer is certified and will handle this. Mr. Herring said during final approval they also need to indicate how the Stormwater runoff through Lot 106 will be conveyed in relationship to the proposed dwelling units. An HOA owned and operated Detention Basin must have an approved O & M Plan, Bylaws, Officers, and financial structure in-place prior to the plan acceptance by the Township. Mr. Herring said it has not been decided by the Board of Supervisors yet who will own the detention facilities. Mr. Curti said in the past most HOA's have not maintained their detention facilities; the Township has even if the HOA owns them. Mr. Herring said riser structure locations need provided for "clogged" situations, and explained how they work; this will help the Township should they need to unclog them. Mr. Herring said the emergency spillway for Detention Basin #1 discharges near a ridge-line. A flow path needs to be provided and grading done, if needed. It must be directed one way or another. Mr. Herring said the emergency spillway for Detention Basin #2 discharges into an existing swale which runs near existing homes on McDade Lane. He said engineering calculations need done that the existing swale can sufficiently handle the flow rate. Mr. Victor asked if this could to be handled during final approval; Mr. Herring said yes. Mr. Herring said the storm sewer near the access road has already been extended down and into Basin #2 on the existing side of the access road, leaving the roadway swale on the westerly side of the road; this was previously requested by the Engineer. Mr. Herring said all homes must discharge into a roof collector system and all lines shall be schedule 40 PVC or an approved equal; he said corrugated plastic pipe is not permitted. He finished with the letter stating the Developer must establish a Special Stormwater Facility Management Fund of $5,000/basin for the cost of inspection and maintaining the facility for a period of 10 years.

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Mr. Victor said a lot of the Engineer's comments and ideas have been taken into consideration. Mr. Miller said he is concerned about the open gas lease and the diameter of the replacement trees. He said he is also concerned that the Engineer does not approve of the "T" structure of the roadway and asked what the Board of Supervisors' opinion was. Mr. Slagle said he will be sure that Mr. Miller's concerns are considered by the Board. Mr. Curti said this roadway issue has already been discussed extensively several times now. Mr. Victor reminded that this concept will provide safe access to the detention basin instead of going onto private property between townhouses. Mr. Miller asked why not provide a hammerhead and pave it to provide access. Mr. Victor said he feels this will provide an area for people to hang out or to park along it. Mr. Rouggie said he feels by providing an access road it will provide the Public Works Employees with easier access to the basin. Mr. Victor reminded that this is a PRD, and the proposed roadway system works good for this development. He said he counted there to be over 100 90-degree corner roads throughout the Township. Mr. Curti said he did not believe there were that many, but once again explained why the "T" intersection would work better for this plan. Mr. Rouggie asked if a lot of waivers have been eliminated with the new plan. Mr. Curti said the Developer was originally asking for 7 waivers; they are now down to 3 waivers. Mr. Victor said 2 of the 3 were at the request of the Township. Ed Banks of 3697 Saxonburg Blvd., asked if a stop sign will be erected at the 90-degree bend. Mr. Curti said that will be up to the Chief of Police, but more than likely, one will be erected. Mr. Banks asked since the waiver regarding the distance between townhouses is no longer being asked for, if the end of the townhouses will still be constructed of fire retardant materials. He was told they will not. Caleb Smith of 304 Rich Hill Road, asked if a new traffic study has been done. Mr. Herring said no; a new one was not needed. Bob Rivett of 300 Rich Hill Road, said he feels it does not matter if the Township Ordinances are followed or not; he said the Development should only be allowed if the residents like the plan. Shane Sclichter of 4018 Huron Court, said he owns a vacant parcel of land at 316 Rich Hill Road. He said he feels the tree study is off. Mr. Victor indicated that the tree survey only considered trees, 8" in diameter or larger as required by the Ordinance. Ken Wolfe of 347 Melody Lane, said Mr. Moline, who is one of the property owners, said the Developer initially told him only 50 single family homes were going to be built. Mr. Wolfe said he feels the tree study is off too. He said he is also concerned about increased traffic on Rich Hill Road. He said the increased traffic will cause more accidents, noise and air pollution, etc. He feels the Developer should decrease the plan to only 45 - 65 single family homes to decrease the additional amount of traffic. Mr. Curti said if Mr. Moline is unhappy with the plan, he does not have to sell his property to the Developer. Mr. Curti said the Board denied the 2nd submittal of the plan due to two of the waivers requested; the Developer has eliminated them. Mr. Wolfe said he still feels the noise, traffic, safety of children and people using Rich Hill Road, etc. should be considered. He said he also feels the number of proposed homes should be reduced. Karen Knutson of 6 Edgehill Drive, said she does not

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feel this 3rd plan has changed significantly from the last one that was proposed. She said she feels the tree issue still needs to be addressed and said she ran her own calculation of the tree counts, which she summarized for the Commission. She asked why this is not being submitted as a Multi-Subdivision rather than a PRD. She also said she feels NO waivers should be considered.

Rick Rivett asked if the Planning Commission plans to approve the plan this evening. Mr. Herring said they are a recommending body only; they cannot grant approval of a plan. Mr. Rivett asked for copies of the plan. Mr. Victor explained they are signed, sealed, and proprietary. Mr. Curti said they are always available for review at the Township during regular business hours. Mr. Rivett insisted he wanted his own copies for his own engineer to review. Mr. Victor asked one of the Commission Members to give Mr. Rivett a set of plans. Luke Raymer of 315 Voskamp Drive, asked how a shrub could be considered a substitute for a tree when considering the tree replacement plan. Mr. Ceponis said maybe the tree structure needs to be re-evaluated. He said he is okay with the street trees being 2"; however, maybe in some areas larger trees should be considered. Mr. Victor said the plantings are 10' on center. Mr. Ceponis asked if a copy of the tree study is on file. Mr. Victor said the Township has a copy. Various residents asked why the plan and studies cannot be put on-line for public viewing. They said due to their working hours, etc. it is hard to get to the Township to view the plans and other items. Mr. Slagle said because everything is in “draft” form, and only at a tentative level of approval, any copies they would want would need to be submitted as an official “Right to Know” request to the Township and anything sealed is proprietary to the person(s) that created them. Rick Rivett asked when the plan will be heard again; Mr. Curti said that depends on what happens at tonight’s meeting. Mr. Miller said he feels there are a lot of issues that still need to be addressed, such as the open gas lease, the tree diameters, etc. Mr. Victor asked if they would be happier with larger tree sizes. Mr. Ceponis said perhaps they should get an updated recommendation from their forester.

***Mr. Miller made a motion, seconded by Mr. Rouggie, recommending the RICHMONT ESTATES - PRD - TENTATIVE APPROVAL (3rd/Revised submittal) be tabled based on the large number of unaddressed outstanding items in the Engineer’s review letters dated July 18 and 19, 2018.***

***Motion carried unanimously.***

**CORRESPONDENCE:**

**LETTER OF RECOMMENDATION**

Each Commission Member received a copy of the Planning Commission’s Letter of Recommendation sent to the Board of Supervisors, which was written as a result of the Commission’s May 23, 2018 regular meeting.

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**MEMORANDUM REGARDING THE REVIEW AND POSSIBLE UPDATES TO THE OIL & GAS ORDINANCE**

Mr. Ceponis said Commission Members were given a memorandum from Mr. Curti asking them to review the Township's current Ordinance #371 for Oil and Gas Operations, as well as a copy of the Borough of Churchill's Ordinance, which was suggested as being a "model" ordinance, and to submit comments/recommendations to Mr. Curti by their next Planning Commission meeting. He said this was being done at the request by the Board of Supervisor's because a group of citizens have raised concerns regarding oil and gas development within the Township, particularly with regard to unconventional wells and the "fracking" process. Mr. Curti said a representative from the Township's law firm Tucker Arensberg will be present at the August Planning Commission meeting to discuss any suggested concerns and/or changes the Commission Members may have.

**ADJOURNMENT**

***Mr. Rouggie made a motion, seconded by Mr. Miller, to adjourn the July 25, 2018, Planning Commission Regular Meeting. Motion carried unanimously.***

The meeting was adjourned at 7:45 p.m.

***Jacquelyn A. Rouggie, Recording Secretary***

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