TOWNSHIP OF INDIANA

PLANNING COMMISSION

NOVEMBER 28, 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, David Geahry, Pat Miller, Michael Rouggie, and Cecil Tranquill. Also in attendance were Code Enforcement Officer Jeffrey S. Curti, Recording Secretary Jacquelyn Rouggie, Engineer Robert Herring, P.E./Project Manager from Nichols and Slagle Engineering, and Solicitor Katherine Janocsko with Tucker Arensberg.

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REGULAR MEETING MINUTES OF OCTOBER 24, 2018

Mr. Miller made a motion, seconded by Mr. Rouggie, to approve the October 24, 2018, Regular Meeting Minutes as presented. Motion carried unanimously.

DEVELOPMENT PROPOSALS

ANGEL'S DISTRIBUTING - SITE PLAN

Commission Members were presented with a site plan consisting of a new warehouse with 31,800 square feet of floor area, parking facilities, and a shared stormwater detention basin located on a newly created adjacent lot next to their existing warehouse. The property is located on the southern side of Blue Run Road, approximately 0.3 miles northwest of the intersection with State Route 910. The property is zoned "LI" Light Industrial. Robyn Brady of Hampton Technical Associates, Inc. was present to represent the applicant as its Project Manager.

Ms. Brady said the building will be used for light manufacturing and office space only. Mr. Ceponis asked what type of manufacturing. Ms. Brady said she was not sure; the tenants have not yet been secured. Mr. Curti said the owner, Ralph Angel, told him they plan to use three of the six spaces to expand their current business that is adjacent to the new building. Mr. Geahry asked if it will be a one story building; Ms. Brady said yes, but it will have a mezzanine area. Mr. Herring said this is the first time the Planning Commission is seeing this proposal. They were tabled the last time due to nobody being in attendance to represent the applicant. He said the front portion of the building will be used for office space and the rear will be used for light manufacturing. He said they have sufficient parking spaces since the building will not be used as a warehouse.

Mr. Herring reviewed the Engineer's letter dated November 20, 2018. He asked if there were any natural and/or artificial features on the property that may impact the site plan; Ms. Brady said they are all shown. Mr. Herring said a service availability letter needs provided for the sewer service from Deer Creek Drainage Basin Authority. Ms. Brady said Deer Creek gave them a sewage planning module. Mr. Herring asked her to provide the Township with a copy. Mr. Herring said some additional screening needs to be provided at the southern area of the property. He said screening has been

provided, but they need to add more to be in accordance with requirements in the Township Ordinance. Ms. Brady said they will add more. Mr. Herring said screening also needs to be built to enclose the dumpster area.

Ms. Brady said the available site distance at the proposed driveway intersections with Blue Run Road have been added to the plans. Mr. Herring indicated that he could not locate the site distances on the plan and asked the Applicant to resubmit this information. Mr. Herring said a minimum of slope of one percent needs provided for storm sewers and drainage facilities; he said they are slightly under this. Ms. Brady said she feels this is not possible to do; Mr. Herring offered to help her meet the requirement. Mr. Herring said the maximum building height permitted is 35'. He said it can be increased to 45' if every required setback is increased by one foot for each additional foot of height. Ms. Brady said the height is at a 3' to 12' pitch and it is 36' high with the eaves. She said a one foot easement is noted on the plan.

Mr. Herring said future tenants must comply with the Township's requirements for off-street parking spaces as set by the Township's SALDO for "light manufacturing". The space cannot be used for warehouse activities because they do not have enough parking spaces. If they do wish to do manufacturing, Zoning Hearing Board approval is needed. Mr. Herring said all signage must be in accordance with the Township's Ordinance. This will be reviewed when a Building Permit is secured for the sign. Mr. Herring said if any material is hauled to or from the site, a roadway bond will need to be secured. He said this will be addressed in the Developer's Agreement. Mr. Herring said a signed and sealed design of the proposed retaining wall located at the rear of the building needs provided prior to construction. He also said ACCD/PaDEP approval of the NPDES Permit for earth disturbances in excess of one acre is needed. Ms. Brady said they have already applied for this. Mr. Herring said the Owner must enter into a Developer's Agreement with the Township and post all appropriate bonds.

Mr. Herring then reviewed the Engineer's Storm Water Management letter dated November 20, 2018. He said the Porous Asphalt Pavement detail needs revised to include the material designation for each layer. Also, an O&M procedure/schedule needs provided. Ms. Brady said she will take care of these issues. Mr. Herring said they need to confirm Inlet A is sufficiently sized to collect all surface runoff from the rear loading area. Ms. Brady said she will coordinate with the Stormwater Management designer to confirm. Mr. Herring said an ownership agreement for the proposed detention basin needs submitted. The proposed underground storage units shall remain the sole responsibility of the applicant to own, operate, and maintain. Mr. Herring said the owner must establish a Special Stormwater Facility of $16,000 per detention basin to defray the costs of inspection and maintenance for a period of ten years.

Mr. Tranquill asked if any lighting is being proposed. Mr. Herring said they submitted a photometric plan that indicated no glare would extend beyond the property. Ms. Brady added that the facility will only operate during daytime hours. Mr. Tranquill asked if Mr. Herring has concerns about additional traffic because the facility is near a residential area. Mr. Herring said a Traffic Study is not needed because it does not

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meet the Township's threshold to require one. Ms. Brady said trucks will only come in one way. Mr. Curti said this is the same way trucks currently enter the existing building.

Mr. Tranquill made a motion, seconded by Mr. Miller, recommending approval of the ANGEL'S DISTRIBUTING - SITE PLAN based on the items in the Engineer's review letters dated November 20, 2018 being addressed. The following conditions are to be part of their recommendation:

1. ***Provide a copy of the sewer service availability letter or sewage planning module from Deer Creek Drainage Basin Authority.***
2. ***Provide additional screening on the southern area of the property.***
3. ***Provide screening of the dumpster in accordance with the requirements of Section 1263.10 of the Township's SALDO.***
4. ***Provide signed and sealed design of the proposed retaining wall located at the rear of the building (i.e., material, height, etc.) prior to construction.***
5. ***Provide ACCD/PaDEP approval of the NPDES Permit for earth disturbances in excess of one acre, when it is received.***
6. ***The owner shall enter into a Developer's Agreement with the Township and post all appropriate bonds.***
7. ***Revise the Porous Asphalt Pavement Detail to include the material designation for each layer, as well as the O&M procedure/schedule.***
8. ***Confirm Inlet A is sufficiently sized to collect all surface runoff from the rear loading area.***
9. ***Submit an ownership agreement for the proposed detention basin.***
10. ***Provide a 250' site distance for each proposed driveway entrance.***
11. ***The owner must establish a Special Stormwater Facility of $16,000 per detention basin to defray the costs of inspection and maintenance for a period of 10 years.***

Motion carried unanimously.

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225 LITTLE DEER CREEK PLAN OF LOTS REV. #1 - SIMPLE SUBDIVISION

Commission Members were presented with a subdivision plan consisting of the subdivision of Parcel ID #1084-E-147 (14.9996 acres) and Parcel ID #1084-E-149 (20.1697 acres) into Lot 1R (32.0945 acres) and Lot 2R (2.8707 acres). The property is located on the western side of Little Deer Creek Road, approximately 0.5 miles north of the intersection with Crawford Run Road. The properties are zoned "RE" Residential Estates. The applicant and property owner of 237 Little Deer Creek Road, Joshua Kratsa, was present.

Mr. Kratsa said about 5 years ago he subdivided this property. He now wants to subdivide it again and sell 12 acres, with a barn on it, to his sister who lives adjacent to him. He said they are basically just moving the property lines to give her more land. Mr. Herring said the Planning Commission never saw a formal presentation of this subdivision because nobody showed up to represent the applicant at the meeting, so it was tabled. Since that time, new plans were submitted and most of the items in the Engineer's first letter have since been addressed.

Mr. Herring reviewed the Engineer's letter dated November 1, 2018. He asked if there were any natural and/or artificial features on the property that may impact the subdivision; Mr. Kratsa said no. Mr. Herring asked if the locations of all existing and proposed easements are shown; Mr. Kratsa said they are. Mr. Herring said there was a question about distance for a bearing, but it has since been confirmed by him with Hampton Technical Associates. Mr. Herring said they needed approval from the Allegheny County Department of Economic Development. Mr. Curti said a letter was received back from them on November 13, 2018 and the only issue mentioned was how the owner's names were stated in the adoption clause area of the plan.

Mr. Herring asked that a note be put on the plan that the existing 2 story storage building must remain a barn and can never be developed into a living unit. Mr. Herring asked if the new owner has access to the barn without encroaching on Mr. Kratsa's property. Mr. Kratsa said they do, and he plans on removing the driveway leading from his property to the barn.

Mr. Rouggie made a motion, seconded by Mr. Geahry, recommending approval of the 225 LITTLE DEER CREEK PLAN OF LOTS REV #1 - SIMPLE SUBDIVISION, conditioned upon a note being added to the plan that the existing 2 story storage building must remain a barn and can never be developed into a living unit.

Motion carried unanimously.

THE WATERS - PLANNED RESIDENTIAL DEVELOPMENT (PRD) - TENTATIVE APPROVAL (Senior Living)

Commission Members were presented with a Planned Residential Development (PRD) consisting of the consolidation and development of Parcel Nos. 524-M-87 (1.251 acres), 524-M-83 (22.4970 acres) and 437-D-50 (0.352 acres) into one lot consisting of one (1) senior care facility (number of dwelling units to be determined) and 14 duplexes (28 dwelling units). The property is located on the east side of Dorseyville Road, approximately 0.3 miles south of the intersection with Harts Run Road. The property is zoned "MDR" Medium Density Residential. Attorney Kevin McKeegan with Meyer, Unkovic, & Scott LLP, and Project Manager Grant Shiring with PVE Engineering, were present, along with Senior Developer Paul Maenner from The Waters Senior Living Holdings, LLC, the applicant.

Mr. Maenner said they previously held an informal meeting with residents of the Wilmar Manor Plan to give them an overview of what they are proposing. About 20 people attended. Mr. Maenner read an excerpt from the PA MPC of what a PRD is and said this is why the plan is permitted under the regulations. He then presented Commission Members and the audience with a Power Point presentation. Mr. Maenner explained that Allegheny County has a large population of older residents. He showed a picture of the original Wilmar Manor Plan, as well as where it was located. He said The Waters Plan will be built on the same properties, across from Beechwood Farms on Dorseyville Road. He said the plan will be built on 24 acres and access to the Senior Care Facility and two-family homes will be from Hidden Falls Point, which is an existing roadway that serves as the homes in Wilmar Manor in Fox Chapel. Mr. Maenner said the Indiana Township-portion of the plan was recorded back in 1996; however, the original plan was never built.

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Mr. Maenner said they are only applying for tentative approval of their plan tonight. He also said their proposed plan is smaller than the original Wilmar Manor plan. Mr. Tranquill asked if they were aware of The Crossings at Hartwood facility that has been approved and is going to be built just down the hill, at the intersection of Harts Run Road and Saxonburg Boulevard. Mr. McKeegan said they are aware of the other facility. Mr. Tranquill asked if The Waters is going to be an Independent Living Center, or more like a Nursing Home. Mr. McKeegan said Independent Living. Mr. Maenner said The Waters have built 9 facilities in other states. He said they just opened a new one in Wexford, which is their first in Pennsylvania. He said they build a variety of types of facilities aimed at attracting older residents. He said their mission is to focus on the health and well-being of everyone living in their facilities. Mr. Maenner said their company is based in Minneapolis and gave a brief overview of the company. He said they felt Pittsburgh would be a good next step for them. He then showed pictures of other facilities they have built. Mr. Tranquill asked what they are proposing to build here. Mr. Maenner said the main building will be 2-3 stories and will have 151 units with an area for memory care residents. They are also building 14 two-unit individual cottage style homes, for a total of 28 homes.

Mr. Shiring showed pictures of the proposed road structure. He said that Dorseyville Road is owned by the County, and the HOP has already been secured. He also showed a layout of the units. Mr. McKeegan said in the large building, each unit will have 1 or 2 bedrooms, have kitchens, and be very similar to a regular apartment. He said the ones for memory care will be smaller and will not have a kitchen. He said they can provide Senior Care, if needed, but most residents live independently.

Mr. Shiring said the storm sewers already exist and they are currently trying to get a copy of the initial Stormwater Management Report that was done. Mr. Shiring said they are required to provide a 25' buffer around the facility, according to the Township's Ordinance. He said it is 115' from Dorseyville Road to the senior care facility. Mr. Tranquill asked if they will be building on the entire parcel; Mr. Shiring said about 75% of the site will remain open space. Mr. Tranquill said when Wilmar Manor was originally proposed years ago, it was never built because they could not obtain access to get public sewerage. Mr. Shiring said now they were able to gain access to sewage by tying into lines owned by Deer Creek Drainage Basin Authority instead of Fox Chapel Authority. Mr. Curti noted the border showed on the Power Point presentation was not accurate; Mr. Shiring said they will adjust it to be correct. Mr. Shiring said by presenting this as a PRD, they are in compliance with the requirements of the Township's Ordinance. He said they plan to build in two phases. Mr. Rouggie asked if they are seeking tentative approval for both phases; Mr. Shiring said they are. Mr. Ceponis asked how they plan to build the phases. Mr. Shiring said Phase I will be the large senior living building, and Phase II will be the cottage-style homes. Mr. Tranquill asked if they will need to get a Traffic Study done. Mr. Herring said yes.

Mr. Herring reviewed the Engineer's letter dated November 26, 2018. He said a lot more plans need to be submitted, i.e. Demolition Plans, Grading Plans, Landscaping Plans, etc. Also, a copy of the originally approved Wilmar Manor PRD needs to be provided. These are needed to ensure the Development is feasible. Mr. Herring said he understands that the applicant is asking the Township for a copy of the Stormwater Management Plan that was submitted with the original Wilmar Manor proposal. Mr. Shiring said they did. Mr.

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Herring said the Township Solicitor had advised that the Township not release the plans because they are proprietary to the person that signed and sealed them. Mr. Herring said the applicant should talk to the Township Solicitor. Mr. Herring said if there are any natural/artificial features that may impact this development they need to be shown on the plan, and all existing structures need put on as well. Mr. Shiring said they plan to have a Wetland Delineation Report done. Mr. Herring said the form of management structure and organization that is proposed needs to be provided as to who will own and maintain the facility, duplexes, open space, and detention facilities. Mr. McKeegan said back in the 1990's, the Hofer's proposed to form an HOA for the Wilmar Manor Plan. However, the HOA was never formally created and the Hofer's currently maintain the developed lots located in Fox Chapel Borough for free. He said they will look into possible solutions. Mr. Herring said a photographic example of the proposed senior care facility and duplexes needs to be submitted. He said the Power Point was a good presentation of what they have done in the past, but drawings of what they intend to do at this site need submitted.

Mr. Herring said letters from all of the utilities that will service the plan needs to be provided. Mr. Shiring said he has already put requests in for them. Mr. Herring said a phasing schedule which indicates when each phase will be built needs submitted upon final approval. It will also be required to be updated annually until the plan is completed. Mr. Herring said a copy of the tentative purchase agreement needs provided. The senior care facility shall remain under private ownership. Mr. Herring said the HOA will be responsible for the ongoing maintenance of the lawn areas located within the public rights-of-way. Mr. Shiring agreed that it will.

Mr. Herring said the proposed senior care facility is 45' tall. The maximum building height is 35'. The Township Ordinance does allow an extra 1' of height, provided an extra 1' of setback is provided, up to a total of 10'. Mr. Herring said architectural drawings will need to be submitted to indicate how the Applicant is measuring the building height. A Traffic Impact Study which includes all roadway intersections within a .5 mile radius must be done. Mr. Shiring said they are working on it. Mr. Herring said the Owner will be required to pay the Township a Roadway Impact Fee of $1,100 per dwelling unit. All parking areas must be screened and landscaped; a Parking Plan needs to be submitted. Mr. Herring said they are proposing some underground parking as well. The location of the dumpster needs to be shown. Mr. Shiring said they usually keep them underground, in a garage. They must provided off-street parking spaces as per the Township Ordinance; Mr. Shiring said 187 are proposed, with 115 of them being underground. Mr. Herring said no more than 25% of slope areas with existing grades between 25% - 40% shall be stripped of vegetation or disturbed. Mr Shiring said a map showing the slopes will be provided. No development or disturbance is allowed on slopes exceeding 40%; tabulation regarding this needs added to the plans. Mr. Herring said a Preliminary Geotechnical Report must be completed. Mr. Herring said a 50' right-of-way (25' from the centerline) for Dorseyville Road should be provided and shown on the plans. He said it is currently on 33'. Mr. Herring said if any lot lines are proposed, then need put on the plans. Mr. Shiring said none are proposed at this time; the Waters will own all of the plan and lease out the buildings. Mr. Herring said the grading or clearing of more than 25% of a site will require the replacement of trees/woodlands as specified in the Township's Ordinance. A tree study will need to be provided. Mr. Herring said during the final approval process, the owner must abide by all

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provisions regarding improvements as specified in the Section 1270 of the Township's SALDO.

Mr. Herring said if there are any protective covenants running with the land, they need to be shown. Approval from the Allegheny County Dept. of Economic Development is needed; Mr. Curti said copies of the plan were submitted to them by his office on November 15, 2018. Allegheny County Conservation District/PaDEP approval of the NPDES Permit for earth disturbances in excess of one acre will be needed. In lieu of recreational facilities, the owner will be required to pay the Township Recreational Fee of $750/unit. Mr. McKeegan questioned what type of recreational facilities could be provided in lieu of paying the fee. Mr. Herring directed the Applicant to review the Township Ordinance for the specific requirements, but the facilities must benefit public use. The seal and signature of the qualified person preparing the plans needs put on the plans. The proposed facility must be constructed in accordance with ADA standards.

Mr. Herring said a management agreement/operation rules and regulations needs to be submitted. He said this will ensure how the HOA will run the facility. Mr. Herring said the environmental statement regarding wetlands and stormwater runoff needs to be added to the plans. The lot lines and owner information for all adjacent properties need put on plan. The Owner shall enter into an acceptable Developer's Agreement with the Township and post all appropriate bonds. Mr. Herring said the Stormwater Management Plan has not been submitted yet.

John Hepburn of 709 Dorseyville Road said he lives about 1,000 yards from the proposed plan. He said he received an "informational" letter after the meeting in his front doorway. Mr. McKeegan said the Developer did not produce any "informational" letters after the meeting and place them in people's doorways. He said someone else must have made them and then passed them out. Mr. Hepburn said there are five (5) units that have never sold in the Fox Chapel Borough portion of Wilmar Manor and he thinks they should be torn down. Vanessa Lynch of 3726 Saxonburg Boulevard questioned how the original Wilmar Manor Plan from 1996 differs from the Waters plan, and why the Solicitor is calling it an "amended" PRD from the original plan. Ms. Janocsko said the Waters is basically a new plan all together and it must follow all current Township Ordinances and regulations. Ms. Lynch asked if it is new, why are they calling it "amended". Mr. Curti said this term is only being used because the Stormwater facilities, roadways, utilities, etc. are already in place. Mr. McKeegan said the Wilmar Plan from 1996 is only being referred to because it was recorded with the County, but it was just never built. He said the Waters are proposing a lot of changes and updates from the original plan. He said the Waters will actually be smaller than Wilmar Manor was. Mr. Miller asked if there was a Community Center proposed in the Wilmar Manor plan; Mr. Shiring said there was not.

James Hiller-Hardie of 825 Dorseyville Road said there are a lot of developments being proposed in the same area, such as the Fox Chapel Estates PRD, the Crossings senior home, and now the Waters senior home. He said he has concerns about the increase in traffic at the intersection of Fox Chapel and Dorseyville Roads. He said a lot has changed since the County issued Wilmar Manor their HOP for Dorseyville road back in the 1990's. He said he also has concerns about excessive drainage; a lot of flooding occurred this past

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year. He said there is a lot more Stormwater since 1996; he said adding more is a concern of his. Jared Ettinger of 102 Wilmar Drive in Fox Chapel Borough said he attended the "informal" meeting that the Waters held. He said they plan to have a full restaurant, café, pub, and hair salon and they will be open to the public. He is worried the Waters will decrease the value of his property. Mr. Ettinger said he took a lot of notes at that meeting, and read them to the Commission Members. He also said the Waters is located in an "MDR" residential zoning district; he asked how a commercial building can be erected here. He said it is not a Permitted Use in the Township Zoning Ordinance. He also said the building will be 35' from his property line. Mr. Maenner addressed some of Mr. Ettinger's concerns. He said first of all, their facilities, such as the restaurant, etc. are NOT open to the public; they are for the people living there and their guests only. He said in their other developments, they actually saw property values of homes in the area rise. Mr. Maenner said they have not reached out to the Fox Chapel Borough because the plan is entirely located in Indiana Township. He said he anticipates it will take about 14-16 months to build the facility. Because the land is very level, it will be easy to build quickly. He said they plan to use the same construction company that built their other facilities. As for employees, he said they figure on having about 60, but they will be working in shifts, maybe around 25 employees per shift.

William Frohlich of 321 Hallsborough Drive in Fox Chapel Borough said he thinks the plan is attractive. However, he said he has concerns about increased traffic at the intersection of Dorseyville and Fairview Roads. He said he is concerned about increased noise from delivery trucks as well. He does not think the facility should be located in a residential area. He said he would rather that Single Family homes be built rather than a senior care facility. Brenda McEver of 323 Hallsborough Drive in Fox Chapel Borough said she did not receive an invitation to the informal meeting that was held by the Waters. She said she has concerns about increased traffic at all of the intersections in the area. She said she is also worried about increased Stormwater. She asked what will buffer the stream running behind the property. She also is concerned about the impact the facility will have on the homes located on Squaw Run Trail, which runs behind the plan. Mr. Shiring said they are currently working on the Stormwater Management Plan and facilities, and plan to install a new Detention Facility. Mr. Herring said the developer will be monitored on their Stormwater plans. He asked if they plan to use riparian buffers. Mr. Shiring said they do, and they will be addressed in the NPDES Permit.

Betsy Monroe of 605 Dorseyville Road in Fox Chapel Borough said she lives 3 doors away from the plan and she did not receive a notice about the informal meeting either. She said the facility is completely surrounded by Fox Chapel Borough and she feels the developer should reach out to the Borough for its input, even though the plan is in Indiana Township. She showed a picture of a trail system near the facility and is concerned that it will be ruined by additional water run-off, and could be possibly end up impassible. She has concerns regarding the Stormwater Plans being used because they are from 1996. She said the dementia unit will not have kitchens, laundry facilities, etc. and she feels a higher level of care for these residents will be needed.

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Mr. Curti reminded the audience members that the "informal" meeting that The Waters representatives held was not required. The Applicant's intention of the meeting was to make residents in the area aware of what they were planning to build. He said they reached out to as many adjacent residents as they could when inviting them. Mr. Curti said the audience should watch the Township website for Meeting Agendas and to see what is being proposed to be presented to the Planning Commission and Board of Supervisors meetings each month.

Meir Aridor of 107 Wilmar Drive in Fox Chapel Borough said she does not feel the facility will be characteristic to the homes in the area. She said she feels that concerns of the residents of Fox Chapel Borough should be considered as well. She asked if the Fox Chapel Estates PRD is still approved by the Board. Commission Members said it is. Ms. Aridor said she is also concerned about additional traffic that will be generated. Patty McCaffrey said she lives in Aspinwall but works for Howard Hanna as a real estate agent. She said she worked with the Hofer's when they were selling the homes in the Wilmar Manor development in Fox Chapel Borough. She feels Indiana Township officials should meet with Fox Chapel officials as well. She said a lot of people living on Hidden Falls, located within Wilmar Manor, have expressed concerns to her. She asked if the developer of the Waters will take over the Wilmar Manor HOA, since it has since fell apart. Mr. Maenner said they can keep this in consideration.

Mr. Ettinger asked how far the dementia unit will be from his house. An audience member said "12 paces". Mr. Ceponis said scaled drawings have not yet been submitted by the Waters. Mr. Ettinger said once again, he feels this is a commercial property being put in a residential neighborhood. Michelle Jones of 60 Summer Duck Way said she shares a lot of the same concerns as the other audience members, especially increased traffic. She said she hopes a proper Traffic Study will be done. Ed Banks of 3697 Saxonburg Boulevard asked if the road will remain private. He said he has concerns about fire safety. Mr. Curti said he will meet with the Fire Chief to discuss what fire safety measures will be utilized. Susan Randall of 54 Locust Lane said she has concerns with the patio homes. She said they may attract families with children. She does not want to see Fox Chapel School District to be taken advantage of because the patio homes are within the School District. She feels the patio homes should only be rented to older people with no children. Roshan Koozekanani of 909 Settlers Ridge Road in Fox Chapel Borough said she is concerned that a commercial building is being built n a residential area. She does not feel it fits within the existing neighborhood. She said she also shares many of the concerns as the other residents do.

Ms. Janocsko read the definition of a "PRD" from the PA MPC for the audiences' benefit. The facility falls under this type of unique criteria, which is why it is permitted to be located in an "MDR" Zoning District. Jim Bonner, who is the Executive Director of nearby Beechwood Farms, located at 614 Dorseyville Road in Fox Chapel, said he has concerns with traffic as well. He said he feels the Traffic Study should include all proposals that are coming into the area, not just the existing ones. Mr. Herring said he will consider growth when he reviews the Traffic Impact Study. Mr. Herring said every intersection within a ½ mile of the Development must be considered. He said the Traffic Study has not been done yet. Mr. Bonner said that Beechwood would be willing to help assist with a more

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comprehensive Study. Karen Knutson of 6 Edgehill Drive said she would be concerned with additional lighting if she lived near the facility, and the impact it could have on nocturnal animals that live within Beechwood Farms. Also, she would be concerned about increased traffic. Mr. Maenner said these concerns will all be addressed when the lighting plan is prepared. He said most residents living within the facility tend to not like very bright lighting during the nighttime.

The Planning Commission Members said they feel the plan should be tabled until further information can be provided.

Mr. Geahry made a motion, seconded by Mr. Rouggie, recommending THE WATERS - PLANNED RESIDENTIAL DEVELOPMENT (PRD) - TENTATIVE APPROVAL (Senior Living) be tabled until further information can be provided, and also to give the Applicant additional time to address the items in the Engineer's review letter dated November 26, 2018.

Motion carried unanimously.

OLD BUSINESS

"DRAFT" OIL & GAS ORDINANCE UPDATE

Solicitor Katherine Janocsko gave an update on what has been done on the "draft" of the amended Oil & Gas Ordinance. She said she attended the Planning Commission's August 22, 2018 meeting. At that time, she gave a presentation about plans to amend the existing Oil & Gas Ordinance. She said a copy of Churchill Borough's Ordinance was used as a template and was customized for Indiana Township. Input was gathered from the Township's Solicitors, Engineers, Code Enforcement Officer, and the Planning Commission Members. She said they are now working on putting together a new, amended Ordinance, incorporating all of the changes. She said in the last few months, a new opinion was issued by the Pennsylvania Commonwealth Court confirming that municipalities should regulated in which Zoning Districts oil and gas drilling should occur. Ms. Janocsko asked the Planning Commission Members and Mr. Curti which Zoning Districts they felt were best suited to permit oil and gas drilling. Mr. Curti distributed copies of the Township's Zoning Map to Commission Members. Currently, oil and gas drilling is forbidden in the "TR - Trailer Residential" and "VR - Village Residential" Zoning Districts.

Mr. Curti said utilizing Churchill Borough's Ordinance was very helpful. He suggested that drilling not be permitted in the "MDR - Medium Density Residential" Zoning District. The "C - Commercial" and "LI - Light Industrial" Zoning Districts were suggested as good areas to allow drilling; however, he feels this will put a greater impact on the smaller villages located throughout the Township. He said he feels permitting drilling in the "AG - Agricultural" districts would not be a good use of the land because it is mostly farm land. However, he suggested that allowing drilling in the "RE - Residential Estate" area would work well because there are a lot of large parcels and it is not densely populated. The "RE" area is mostly in the northern area of the Township.

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Mr. Curti said this entire idea to amend the existing Oil and Gas Ordinance began when the approved Marcellus Shale Drilling site on Cove Run Road started to be constructed. He said he would like to see rules for Marcellus Drilling and Shallow Gas Well drilling, independent from each other. Commission Members agreed. There are already quite a few shallow gas wells existing throughout the Township and there have been very few problems and/or complaints about them. He said Marcellus drilling is an entirely different operation. Mr. Rouggie asked if the new Ordinance was challenged at some point, if it would hold up in Court or if it is just a waste of time to try to limit drilling.

Ms. Janocsko said municipalities cannot exclude gas and oil from the entire Township; it has to be permitted in some Zoning Districts. Mr. Rouggie said he agrees with Mr. Curti that the two types of wells should be treated separately as to where they are allowed, restrictions, etc. Ms. Janocsko said she agrees with this concept too. She said the newly amended Ordinance they are working on addresses all wells, and leans more towards restrictions that would pertain to larger Marcellus wells. She thinks it is a good idea to consider the two types of wells separately.

Mr. Curti said when considering where oil and gas wells are permitted, the entire Zoning District has to be included. The Districts cannot be separated into certain areas within a District. He said the "MDR" District is the largest Zoning District within the Township. He went over the percentages of coverage of each of the nine Zoning Districts. He said he would like to see drilling to be allowed in the "RE" District since there are not a lot of homes and most of the parcels are large. A discussion was held and everyone was in agreement that shallow gas wells should be permitted in all of the Districts except "TR" and "VR", as the current Ordinance permits. Ms. Janocsko said the new Ordinance could separate the definitions for the two different types of wells. Mr. Tranquill asked if any new applications for installing a gas well have recently been received; Mr. Curti said not that he has heard of. Commission Members continued discussing the Districts where wells should be allowed. Ms. Janocsko asked how they felt about allowing Marcellus wells in the "AG" district. Mr. Curti said he feels that Marcellus wells should be kept out of any densely populated districts and to protect the "AG: District even though it is not as dense. He said there have not been many issues encountered with the new Marcellus site currently being installed. Ms. Janocsko said it seems that everyone is in agreement with allowing Marcellus wells in "RE" and "LI" districts.

Mr. Curti said he does not feel the "draft" Ordinance is ready to be presented to the Board of Supervisors yet. There are still comments being made that need to be considered and incorporated into the document. Mr. Ceponis said he has comments he would like to be considered. Mr. Herring said the Engineers recently submitted comments that they would like to have incorporated as well. Mr. Curti said the DEP controls the "how" of well drilling but the Township can control where specific drilling activities can be limited to.

Mr. Curti explained how well the traffic control is working at the new Marcellus site being built. Commission Members asked if there are any concerns about reforestation, and whether restrictions should be put in the Ordinance regarding replacement trees. Mr. Ceponis asked if there are measures in place if an emergency would occur. Mr. Curti said there are. Mr. Curti said if Marcellus drilling is permitted in the "RE" and "LI" districts, that

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would be about 14% of the Township. Ms. Janocsko asked about shallow wells. Commission Members once again said they agree they should be allowed anywhere but the "TR" and "VR", as the Ordinance currently reads. Mr. Curti suggested doing a totally separate Ordinance addressing only Marcellus well drilling.

Michael Schurko, who identified himself as the elected Supervisor of District #5 - Fairview, said he likes the idea of splitting the definitions and limitations on the two different types of wells. He said he feels at this point restricting which wells would be allowed in which Zoning District is the important issue. The current Oil and Gas Ordinance needs tightened up. Commission Members said that is what they are trying to accomplish. Mr. Schurko said there are many other issues going on in the Township, and he feels that the work on the Oil and Gas Ordinance needs to be taken care of as soon as possible.

Catherine Maihoefer of 121 Black Oak Drive, asked if Public Health issues are being taken into consideration. Ms. Janocsko said they are trying to incorporate items into the Ordinance that benefits the health and welfare of everyone. Mr. Herring said he agrees. Ms. Maihoefer questioned how the City of Pittsburgh is permitted to allow NO drilling at all. Mr. Herring said that is the wording in the Ordinance the city adopted, but nobody has challenged it yet to his knowledge. Ms. Maihoefer asked since the "RE" district is so close to West Deer Township, if Indiana Township can make West Deer put limitations on drilling in that area of their Township as well. Mr. Curti said Indiana Township cannot tell West Deer Township what they can do. Karen Knutson of 6 Edgehill Drive, said she is in favor of not allowing Marcellus well drilling in the "AG" zone. Mr. Curti said he previously made the same suggestion.

Mr. Miller made a motion, seconded by Mr. Geahry, that the "draft" OIL & GAS ORDINANCE AMENDMENT be tabled at this time so the additions and comments made by the Engineers, the Planning Commission, and the Code Enforcement Officer can be incorporated into the "draft" by the Township Solicitor and then be reviewed once again at a future Planning Commission Meeting.

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 October 24, 2018 regular meeting.

ADJOURNMENT

Mr. Rouggie made a motion, seconded by Mr. Tranquill, to adjourn the November 28, 2018, Planning Commission Regular Meeting. Motion carried unanimously.

The meeting was adjourned at 9:17 p.m.

Jacquelyn A. Rouggie, Recording Secretary

APPROVED