TOWNSHIP OF INDIANA

PLANNING COMMISSION

JUNE 28, 2023

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

The roll was called and Planning Commission Members present were Lisa Lachina, Patrick Miller, Michael Rouggie, and Daniel Taylor. David Geahry did not attend. Also in attendance were Code Enforcement Officer Jeffrey S. Curti, Recording Secretary Jacquelyn Rouggie, Township Engineer Daniel Slagle from Nichols & Slagle Engineering, and Ashley J. Puchalski, Esq. from Tucker Arensberg Attorneys.

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MEETING MINUTES OF MAY 24, 2023

Mr. Taylor made a motion, seconded by Mr. Miller, to approve the May 24, 2023, Regular Meeting Minutes as presented. Motion carried unanimously.

DEVELOPMENT PROPOSALS

INDIANA TRAILS PLANNED RESIDENTIAL DEVELOPMENT (PRD) - Final Approval

Commission Members previously recommended "tentative" approval of a plan to combine two parcels into one, totaling 22.83 acres, and then subdivide the property into 57 Townhouse Units, 6 Duplex Units, one Single Family Dwelling, and 1 lot containing a 30 Unit Condominium Building, for a total of 100 dwelling units. The parcels are located on the east side of Dorseyville Road, 0.3 miles north of the intersection with Fox Chapel Road. The properties are zoned "MDR" Medium Density Residential. Steven Victor, of Victor-Wetzel Associates, was present to represent the applicant, Indiana Trails, LP.

Mr. Victor said the Indiana Trails PRD Development has already received "tentative" approval from the Board of Supervisors, and said they are now seeking "final" approval. He showed a Power Point presentation of the Development, showing the location of the development, the layout of the plan, etc. He said it was identical to what was presented for tentative approval.

Engineer Dan Slagle said the Development was originally called "Fox Chapel Estates" but was renamed "Indiana Trails". He said they received tentative approval from the Board of Supervisors on February 15, 2023. He said they have now submitted their application and plans for final approval. Mr. Slagle said they have received their Highway Occupancy Permit from the County for the entrance on Dorseyville Road. He said there is a secondary access for the Detention Facility off of Fox Chapel Road, as well as an "Emergency Access" only, if needed. He said all Township roads are 24' wide to allow for access by emergency vehicles. Mr. Slagle asked if the Developer has purchased the two properties yet. Mr. Victor said the Developer plans to purchase the properties prior to getting the Development recorded with the County.

Mr. Slagle reviewed his letters dated June 26, 2023. He went over the various items that the Developer needs to address, as well as the various third party approvals that will be needed to be submitted. Mr. Slagle also reviewed the fees and bonds that must be paid prior to the Developer's Agreement being executed.

Mr. Rouggie asked the Planning Commission if they had any questions. Mr. Miller asked if the Emergency Access Road will be locked; Mr. Victor said it will be.

Mr. Rouggie then turned the meeting over to the Solicitor Ms. Puchalski. She explained the details for Public Comment. She said each individual has a 5 minute time limit to speak.

Linda Massarelli of 5 Pine Creek Drive questioned the location of the Emergency Access. She also asked if the builder of the condominium complex will be different than the one building the homes and townhouses; Mr. Victor said yes. There was a discussion about what could happen if the privately owned condo's do not sell, and if they can be turned into rental units. Mr. Slagle said there will be language in the Developer's Agreement regarding this. Ms. Massarelli said she has concerns about the proposed cul-de-sac. She also questioned the Detention Facilities and whether there would be standing water. Mr. Slagle said they will be built in accordance to DEP regulations.

Doug Golubic of 1941 Fox Chapel Road asked if the Planning Commission recommends approval tonight, if the final plan will be sent on to the Board of Supervisors. Ms. Puchalski said yes, and she explained the process as governed by the PA MPC. Mr. Golubic asked if the Planning Commission realized the "tentative" approval of the Indiana Trails PRD is currently in litigation. The Members all agreed they knew this but were told the Developer still has the right to ask for final approval.

Nick Milan of 112 Rawlins Run Road expressed concerns about water runoff in the northern area of the plan. Mr. Slagle said PennDOT would regulate this connection. Mr. Milan said he felt a street light should be placed at the intersection of Fox Chapel and Dorseyville Roads. Mr. Rouggie said these roads are not owned by the Township, so they cannot make that requirement.

Steve Funk of 1900 Fox Chapel Road said he walks on the roads in this area quite often and has concerns about the current traffic, which he feels is already dangerous. He also said he was concerned about the recently increasing interest rates and the possible impact it could have on the sale of the homes and condos in the Development.

Earl Lynch of 880 Dorseyville Road said he has concerns about traffic near his home in the area of Dorseyville Road, near Rawlins Run Road. He said he feels additional stop signs should be considered. He was told that Dorseyville Road is a County-owned roadway, and this is not something the Township can add.

Nettie Owens of 109 Bruno Drive said she has nothing new to add at this time; she was just curious to see what the outcome of the Court Case against the Development will be. She also asked how the Board can approve a plan if the people do not want it.

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She asked if meetings are held "behind closed doors" between the Planning Commission and/or Board of Supervisors. Mr. Slagle said never; all meetings are required to be open to the public, unless it involves litigation or personnel issues. This is mandated by the State of Pennsylvania's "Sunshine Law".

Diane Briars of 315 Olde Chapel Trail in Fox Chapel Borough said she feels it would be premature to recommend approval tonight because of the numerous items that need to be resolved. She also said because of the tentative approval currently being in litigation that nothing should be approved at this time.

Patricia Golubic of 1941 Fox Chapel Road said she is a nurse and that residents deserve to have builders that are not being sued. She said she feels the current taxpayers are paying for litigation expenses.

Mr. Rouggie asked Ms. Puchalski if there is anything in the PA MPC regarding developments that are in litigation. She explained the process, and said if there are no substantial changes from the "tentative" approval that was granted, the Planning Commission has every right to recommend sending it on to the Board of Supervisors for their consideration.

Mr. Victor explained that the Developer is not being sued; he said the Township is because the Board voted to grant "tentative" approval of the Indiana Trails plan. Mr. Victor also said a lot of the outstanding items in the Engineer's review letter are minor and can be easily addressed.

No others attending the meeting asked to voice their concerns, so Ms. Puchalski closed the meeting for Public Comment. Mr. Taylor asked Ms. Puchalski if there was anything brought up in the Engineer's letter that could be considered major and hold off the Planning Commission from making a recommendation. Mr. Slagle said no; the changes are minor in nature.

Mr. Taylor made a motion, seconded by Mr. Rouggie, to recommend that the INDIANA TRAILS – PLANNED RESIDENTIAL DEVELOPMENT (PRD) be APPROVED conditioned upon compliance with the outstanding items in the Engineer's review letters, dated June 26, 2023. These items include:

1. ***Provide site distance triangle easements for both the proposed entrance and access road to detention basin No. 3.***
2. ***Provide a consolidation plan for the O'Sell and McCague properties in order to comply with the 10 acre minimum requirement or confirm property consolidation owned by Frank Zokaites.***
3. ***Confirm 25' buffer along lots 7A through 7F and 8E.***
4. ***Prior to closing, provide management structure/ownership for the proposed Condominium Complex. Provide the Home Owner Association (HOA) protective covenants and Agreement which shall include restrictions on development of the grass strip located between driveways and O&M of the sidewalks and trees.***
5. ***Confirm height compliance of thirty five (35') feet.***

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6. ***Add the property boundary outline to the location map.***
7. ***Add the zoning of all adjacent tracts/properties.***
8. ***All easements shall also be in favor of Indiana Township; update the Note on Sheet S3. Provide easements for overhead power lines and stream for transfer to recording covenant plan. Also, show the 20' Access Easement on Sheet 5 of 20.***
9. ***A geotechnical engineer must be on site to certify proper fill compaction/keyway installation/benching. A professional certification shall be required at the conclusion of the project, prior to the release of any bonding, certifying the proper/safe construction of the foregoing.***
10. ***Update the Recorded Plan for "Mayor, Board of Supervisors" signature and delete "and design" in the Engineers certification.***
11. ***All service lines shall be installed prior to paving or shall be bored. No roadway cuts will be allowed after asphalt roadway is constructed.***
12. ***Add the location of all monuments.***
13. ***Add the statement to the plan stating: "The Township, by approving and executing this Final Plan, in no way undertakes any responsibility with regard to storm water runoff or wetlands or archeological sites and/or other environmental requirements or matters. Further, the Township undertakes no responsibility for operating any activities at the Subdivision."***
14. ***Provide review letter from the Allegheny County Department of Economic Development. Provide Allegheny County Conservation District/PaDEP approval of NPDES Permit for earth disturbances in excess of one (1) acre.***
15. ***Provide a copy of the current Allegheny County Highway Occupancy Permit (HOP) for Dorseyville Road and the storm sewer connections along the road.***
16. ***The plans propose to have all sewerage conveyed to DCDBA and not ALCOSAN. Provide planning module approval from DCDBA to connect to the public sewer system prior to starting any construction.***
17. ***Provide PADOT HOP for the storm sewer crossing of Fox Chapel Road and for the Access Road to Detention Basin #3.***
18. ***Add screening between the playground equipment lot and the townhouses.***
19. ***All utilities including service lines crossing streets shall be installed prior to paving. The pavement shall not be cut after the fact. Provide playground parking area flare out along Darcey Court cul-de-sac to discourage parking in the cul-de-sac.***
20. ***All Cul-de-Sacs shall have a minimum inside diameter of 80 feet measured from the inside of the wedge curb. Please update the construction drawings accordingly. Please remove reference to the gravel Cul-de-Sac on Sheet 5 of 20.***
21. ***Storm sewers installed shall have a minimum slope of 1%. Please revise as necessary. Relocate fence on Detention Basin No. 2 to the outside of the crest, as per the request of the Township's Public Works Superintendent, if possible. Renumber Basin No. 4 to No. 3.***

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22. ***Reinforced Concrete Pipe (RCP) or restrained Corrugated Plastic Pipe shall be used all fill areas in excess of 15 feet deep. Revise the pipe material between CB7 and CB10.***
23. ***Roof collector lines shall be PVC plastic pipe either Schedule 40 or SDR 35 having a minimum diameter of 6 inches in accordance with the enclosed attachment. All roof collector lines shall be pressure tested to ensure a watertight seal. Please revise all 4" roof collector lines on sheets 2, 3, 4 and 5 of 20. Provide hydraulic calculation for roof collector network. Delete Water Tight Roof Drain Saddle Construction Detail on Sheet 17 of 20 and replace with attached roof connector detail.***
24. ***Obtain permission from the State and County to connect directly to their respective stormwater facilities. Provide hydraulic study of proposed downstream State and County stormwater facilities.***
25. ***The clay core on Sheet 18 of 20 shall extend to within 1-foot of the crest. The gabion walkway shall be added to sheet 8 of 20.***
26. ***Based on the current tree survey, the total number of trees greater than 8-inches on the site is 1,142 trees minus the 184 trees preserved equals a net 958 trees removed. The Developer is required to plant 81 replacement trees or a net Conservation and Environmental Fund fee of $4,500. A minimum of 3 replacement trees shall be planted per each quarter acre of lot area (6.68 Acres). For each tree with a DBH of 21 inches or greater that is removed, the Developer shall provide an additional $1,500/tree to the Township which shall be set aside in the Township's Conservation and Environmental fund for future replanting at locations designated by the Parks and Recreation and/or Shade Tree Committee. The proposed plan involves removing 60 trees with a DBH of 21 inches or greater or a net Conservation and Environmental Fee of $90,000. Please provide the appropriate fee of $94,500. The tree survey shall be confirmed by the Township and adjusted accordingly, as needed.***
27. ***All sanitary sewers in fill be ductile iron pipe with field-lok gaskets as required by the Sewer Authority. Provide the sanitary sewer approvals from DCDBA. The minimum size of sanitary sewer is 8" unless approved by DCDBA.***
28. ***Provide an approval letter from the Fire Chief for the location of all proposed fire hydrants. Fire hydrants shall be placed not further than 500 feet from each proposed structure. Please document the location of all existing and proposed fire hydrants.***
29. ***In lieu of recreational facilities, the Owner shall be required to pay the Township Recreational Fee of $825 per dwelling unit.***
30. ***The Owner shall be required to pay the Township Roadway Impact Fee of $1,686 per dwelling unit.***
31. ***The proposed detention basins shall be owned by the HOA within a public easement. The easement shall be dedicated to the Township, who will provide the operation and maintenance of the basins.***
32. ***The Developer is required to contribute to the Special Purpose Stormwater Management fund fee of $16,000/basin.***

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33. Provide a sanitary sewer easement for proposed construction on Parcel ID No. 620-G-362.

34. The HOA shall own and maintain the open space areas, and the HOA shall be responsible for all ongoing maintenance of lawn areas located within the public right-of-way including the entrance roadway.

35. The Owner shall enter into a Developer's Agreement and post a bond, escrow, or account approved by the Township Solicitor as to form and content, or such other security as may be permitted by the Municipalities Planning Code, in the amount of one hundred and ten percent (110%) of the estimated cost of the infrastructure improvements.

Motion carried unanimously.

OLD BUSINESS

REVISIONS TO THE PRD SECTION OF THE TOWNSHIP'S ZONING ORDINANCE #368

Mr. Slagle said that the Planning Commission has reviewed quite a few proposed changes and made comments on this section of the Zoning Ordinance for a number of meetings now. All comments from the Public have been received and reviewed, and a majority of them have been incorporated. The Planning Commission Members agreed and discussed some of the items they have considered. Mr. Slagle handed out a "Summary Sheet" that he had prepared showing the impact of the proposed PRD changes.

The Planning Commission discussed the various items that have been presented to them for consideration. Mr. Slagle said the change to this section of the Ordinance has been going on for approximately 2 years now. Commission Members agreed they are just "fine tuning" any additional comments that have been submitted. Tree calculations, setbacks, buffer requirements, etc. were reviewed and discussed.

The meeting was then opened for Public Comment.

Earl Lynch of 880 Dorseyville Road said he submitted concerns regarding setbacks in a PRD. He said he submitted a lengthy letter regarding his opinions, but he felt most of his suggestions were not considered. He said he feels his letter should be made an official "document" of the Meeting Minutes. He also had concerns about the Township's Comprehensive Plan and said one does not exist. Mr. Slagle assured Mr. Lynch that he personally met with Mr. Curti and the Township Solicitor, and that Mr. Lynch's comments were discussed and considered. Mr. Slagle said the Township does currently have a Comprehensive Plan in place. Mr. Slagle also explained that a Comprehensive Plan is just a "vision" of what should be considered for the future of the Township. He said it takes years to develop a Comprehensive Plan.

Board of Supervisor Sarah Hertweck said that Supervisor Neumann submitted a letter to the Planning Commission for their review and asked if it was distributed to them. Ms. Hertweck said Mr. Neumann said he received no comments back from the Commission Members. Ms. Rouggie confirmed that it was emailed to them and hard copies were also put in their Meeting Packets. Mr. Slagle said Mr. Lynch's concerns were discussed at last month's Planning Commission meeting. Mr. Lynch thanked them for considering

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his comments.

Nettie Owens of 109 Bruno Drive said she appreciates the Planning Commission listening to the residents' concerns. She asked if only "written" comments that were submitted were the only ones considered, or if "verbal" comments were taken into consideration as well. Mr. Slagle said all comments and suggestions were reviewed.

Ms. Hertweck said she feels a new Comprehensive Plan should be in place before any changes are made to the PRD Section of the Zoning Ordinance.

Doug Golubic of 1941 Fox Chapel Road said he does not understand how the process of making the changes began. He asked if the Planning Commission took it upon themselves to make comments or if the Board of Supervisors had made a vote for them to look into it.

Ms. Puchalski explained that the Planning Commission is only a recommending body to the Board of Supervisors. The Board of Supervisors are the ones that take official action. Ms. Puchalski said the Board of Supervisors asked that the Planning Commission consider all input and make a recommendations as to how they feel.

Mr. Rouggie said he feels comfortable with the current revised PRD Section of the Township's Zoning Ordinance and that it should be passed on to the Board of Supervisors. The other Commission Members agreed.

Mr. Taylor made a motion, seconded by Mr. Miller, to recommend APPROVAL of the REVISIONS TO ARTICLE IV OF THE PRD SECTION (ARTICLE IV) OF THE TOWNSHIP'S ZONING ORDINANCE #368, subject to the changes discussed this evening being made to Table IV-A, Table IV-B, Section G, Section I, and Section N of the "draft" of the PRD Section of the Zoning Ordinance. Motion carried unanimously.

ADJOURNMENT

Ms. Lachina made a motion, seconded by Mr. Miller, to adjourn the June 28, 2023, Planning Commission Regular Meeting. Motion carried unanimously.

The meeting was adjourned at 8:48 p.m.

Jacquelyn A. Rouggie
Recording Secretary

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