TOWNSHIP OF INDIANA

PLANNING COMMISSION

MAY 25, 2022

A 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 David Geahry, Lisa Lachina, Patrick Miller, Michael Rouggie, and Daniel Taylor *(via telephone)*. Also in attendance were Code Enforcement Officer Jeffrey S. Curti *(via telephone)*, Recording Secretary Jacquelyn Rouggie, Township Engineer Daniel Slagle from Nichols & Slagle Engineering, and Solicitor Gavin Robb from Tucker Arensberg.

Chairman Rouggie said that the Indiana Township Chief of Police Timothy Michael recently passed away on May 16, 2022. Mr. Rouggie asked that a moment of silence be held in Chief Michael's honor for his long time of service he gave to the Township.

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MEETING MINUTES OF MARCH 23, 2022

Mr. Geahry made a motion, seconded by Mr. Miller, to approve the March 23, 2022, regular meeting minutes as presented. Motion carried unanimously.

DEVELOPMENT PROPOSALS

FOX CHAPEL ESTATES - PLANNED RESIDENTIAL DEVELOPMENT (PRD) - Tentative Approval

Commission Members were presented with a plan to combine two parcels into one, totaling 22.83 acres, and then subdivide the property into 15 lots containing 70 Townhouse Units and 1 lot containing a 30 Unit Apartment Building, for a total of 16 lots and 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, Fox Chapel Estates, LP.

Solicitor Robb informed everyone how the Procedures of the meeting will be held. He said the Developer will do his presentation first, and the Planning Commission Members or Engineer can ask questions during this time. Then, Engineer Dan Slagle will go over his review letter. Then, people living or owning property in Indiana Township can present their questions and/or concerns. He said each individual will be given five (5) minutes to speak.

Mr. Victor began his presentation. He explained that a PRD is a two-step process. A Developer first applies for tentative approval, then if that is approved, they will apply for final approval. He did a Power Point presentation of the proposed development, which included pictures of the location, aerial photos, topographical maps, etc. He said there will be one single access into the plan off of Dorseyville Road. There cannot be another access off of Fox Chapel Road due to site distance restrictions required by the State. He said Allegheny County has already approved the Highway Occupancy Permit

for access from Dorseyville Road. Mr. Victor showed the plan layout. He said the cul-de-sacs are designed to Township Standards. He said they plan to have a mix of three different versions of townhouses, as well as a 30-unit Garden Apartment Unit. He said it will be a 3-floor structure, with 10 units per floor. Mr. Victor showed pictures of the townhouses and described the layout of the various styles. He said the builder will be Ryan Homes. Mr. Victor also showed a picture of a "rendition" of what the apartment building could look like. He said he does not have an actual picture of how the structure will be designed yet. He said it will be 35' high, 3 stories, and will include a parking garage underneath. Mr. Victor reviewed the Tree Study that was done, and described the various types of plants they plan to use for street trees, on-lot trees, etc. He said they worked out calculations with the Township Engineer, as set by the Township Ordinance and discussed the "Tree Replacement Fees" involved. He said the approximate Fee to be paid to the Township is calculated around $67,000. He said 58% of the plan will be Open Space. He said they are well above the Township's 20% Open Space minimum. He said a swimming pool and cabana house are planned to be built for the residents of the plan. He showed the sidewalk locations, as well as where the mailbox cluster will be located. He said the clusters are planned to be near the parking lot for the pool/cabana area and will connect within the plan by sidewalks. He said the entrance at Dorseyville Road has been widened to make it convenient for students being dropped off by parents for school busses. He reviewed the yard requirements and how they will impact the area. He said no modifications have been requested from the Township Ordinance. Mr. Victor said they submitted a formal written response to Mr. Slagle's review letter dated May 20, 2022. He said new plans have been prepared and he said they were able to address most of the Engineer's concerns.

Mr. Slagle reviewed the outstanding items in his letter dated May 20, 2022. He asked who will own the Garden Apartment Unit. Mr. Victor said there may be only one owner, and each Unit will be rented out, or each Unit may be sold individually. They were not sure yet. Mr. Slagle asked that a copy of the HOP from the County for the proposed entranceway into the development off of Dorseyville Road be provided. Mr. Slagle said a lot of the items in his letter were for informational purposes only and/or would be addressed during Final Approval. Mr. Slagle asked if there were any natural and/or artificial features on the plan not shown; Mr. Victor said no. Mr. Slagle said the Statement needs added to the plan that the Township will not take any responsibility for any runoff or wetlands, as stated in Section 400.04 of the SALDO.

Mr. Slagle said a copy of the review letter from the Allegheny County Department of Economic Development (ACDED) needs provided. Mrs. Rouggie said a copy of the application and the plans were sent via regular mail and electronically to the ACDED from the Code Enforcement Office on May 13, 2022, but no comments have been received back yet. Mr. Slagle said the planning module providing approval to connect to the public sewer system needs provided prior to starting any construction.

Mr. Slagle said a copy of the HOP from PennDOT for the storm sewer crossing of Fox Chapel Road for the Access Road to Detention Basin #3 needs provided. Josh Haydo with Wooster & Associates said the easement meets the site distance requirements; he said he met with representatives from the State. Mr. Slagle noted one of the

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proposed road names in the plan is “Olivia Drive”. He said the Township has a development with a road named “Olivetre Drive” in it. With the names being so familiar, he asked if the developer would consider a different name, especially for emergency services purposes.

Mr. Slagle reviewed Section 500.05 of the Township SALDO regarding Storm Sewers and Drainage Facilities. He said a field study of the tree count will need to be verified. Mr. Slagle said a letter from the local Fire Chief needs provided that he is satisfied with the location of the fire hydrants. Mr. Slagle said as far as street lights in the plan, new Major Subdivision Plans may be required to provide them. Mr. Slagle said this requirement is up to the Planning Commission to recommend. Mr. Slagle reviewed the various fees that will need to be paid, including Recreational Fees of $825/dwelling unit, a Traffic Impact Fee of $1,686/dwelling unit, and a Stormwater Management Fund Fee of $16,000/detention basin. Mr. Slagle said a school bus/mailbox cluster parking area along the cul-de-sac along Olivia Drive is shown. He said he would like to see another mailbox cluster provided for the townhouses to access. He said after Final Approval, the Developer will be required to enter into a Developer’s Agreement with the Township, and pay all fees and post bonds.

Mr. Rouggie asked how much wider the developer made the entrance. Mr. Victor said it was 25' wide; it is now 27' wide. Mr. Geahry asked why the developer did not run the sidewalks all the way down to the plan’s entrance. Mr. Victor said it was previously thought they were not needed due to the elevation and functionality but they would be fine with putting them in. Mr. Rouggie asked about street lights in the plan. He thought there should be lights at the entrance of the plan and extended up to the Apartment Building. Mr. Taylor said he feels all lights should be “dark sky complaint”. He also said he thought lighting should be put in the mailbox cluster areas for security after dark; Mr. Victor said that is not a problem.

Mr. Geahry questioned the “access road” that is shown on the northern side of the plan. Mr. Victor said this is the easement for the water main providing public water to the development from the existing water tower. It will be a secondary means for the Water Authority to access the existing water tanks. Mr. Slagle said it will serve as a utility easement for the plan as well. Mr. Taylor noted if one more unit was proposed, the developer would have been required to add a secondary access into the plan. Mr. Victor said the topography is too steep to add a secondary access. He said maybe the Access Drive could be used in the event of an emergency. He said the Access Drive will be located between Lots 4A and 5F. He showed the location to the water tower. Mr. Taylor said he thinks verification should be provided that they are permitted to use the existing easement, especially if Fox Chapel Water Authority owns the property. Mr. Taylor said if this is the case, then permission should be provided by them. Mr. Slagle said the developer should talk to the Water Authority about getting permission for getting access to the development.

Mr. Miller asked who will run and build the Apartment Building. Mr. Victor said it is not being built by Ryan Homes, but another builder has not yet been secured. This is all still being determined. Mr. Miller said he thought by adding an Apartment Building to the plan, it would add variety instead of having only townhouses in the plan. Mr. Victor

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said the concept follows the Township's Comprehensive Plan.

Chairman Rouggie said the meeting is now open for public comments. Solicitor Robb reminded everyone that ONLY Indiana Township residents and property owners can comment during the meeting. He said each person has only 5 minutes to make their comments and that he will time each person.

Emily Gouwens of 54 Ridgeland Drive, said she is recording the meeting and will post it or share it with any residents that could not attend tonight's meeting. She said her family sued the Township years ago for another plan this developer proposed on the same two properties. She said she does not feel the Apartment Building is harmonious to the community. She then re-read the previous court-ruling. She said they fought the development in court for five years; they do not feel a PRD is needed in this area. She said nobody wants this development and she said she does not feel the Township's rules are being followed. She said another development in the Township that was recently built named Richmont Estates is in litigation right now. She said the slope of this new development is worse than the first plan that was proposed. She said she feels the Township should follow Ordinances that neighboring municipalities have adopted. She said she is not in favor of the Tree Removal Fee, or any trees being removed. Solicitor Robb informed her that her 5 minutes were up. Ms. Gouwens said she feels she had more to say and should not be stopped. Solicitor Robb asked her to let other Township residents to express their view points.

Joe Bursick of 1955 Fox Chapel Road, said he and his family used to live in Aspinwall. He said they moved to Indiana Township for the green-space. He said he feels the development is shameful to the area, especially the proposed Apartment Building. He said there are other large, fielded areas nearby and he said he thinks more developers will bring in development proposals.

Solicitor Robb said the Township has legal procedures to follow when a Developer submits an application. If these rules and regulations in the Ordinances are met, the Township cannot deny a proposal just because they or the residents "don't like it". He reminded that the Planning Commission is only a recommending body to the Board of Supervisors. Mr. Rouggie said he agrees with Mr. Robb. If the Ordinances are followed, they have to make a recommendation to the Board of Supervisors whether they like it or not. Mr. Rouggie also reminded everyone that tonight's submittal is for "tentative" approval only. Mr. Robb said "tentative" approval for a proposed PRD is very important. If they receive tentative approval, then a Public Hearing is held so people can voice their concerns and opinions. He explained how the process works, from the time of submittal to final approval.

Allison Stein of 900 Settlers Ridge Road (in Fox Chapel Borough), stood up to the podium. Solicitor Robb said tonight's hearing is for Indiana Township property owners only. She said she lives within walking distance to the plan. Mr. Robb said this is not the time for her to speak. If this development goes to a Public Hearing, she may ask to speak at that time.

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Lucy Klimko of 9 Pine Creek Drive, said the area is a beautiful habitat for wildlilfe. She said she even approached the Audubon Society about purchasing these two parcels. She feels this new proposal is better than the first one submitted years ago. She said the developer should be sure not to plant diseased trees, and only plant trees and shrubs that are native to the area. She asked what type of material is proposed for the Apartment Building. She also had traffic concerns regarding the busy intersection of Fox Chapel and Dorseyville Roads. She said by developing these properties, a beautiful area, full of nature, will be lost.

Donna Ludwig of 32 Oak Knoll Drive, said she feels by cutting down trees, the land will be destroyed. She also had concerns about an increase in traffic. She said she had heard this development was meant for Senior Citizens, but said apparently that is not the case. She said the Apartment Building will be an eye-sore. She also said she feels the second access that could possibly be used in an emergency would end up being used by anyone that wants to use it. She said she feels this development is NO benefit to the existing community.

Chris Capone of 3606 Windsor Court, said he does not live in the area. However, he said he did stop in the Township office this afternoon to look at the proposed plans. He said he feels the developer is proposing this plan to get a credit for the amount of tree removal fees proposed. Mr. Slagle said the plans he viewed at the office today were not the latest set; the Township had not received their revised copies yet. Mr. Capone also said the property the water authority uses to access their water tower is NOT owned by them, but by somebody else.

Mr. Rouggie said based on the comments he heard tonight, it does not appear the Apartment Building is very popular. However, he said by proposing one in the plan, it does change the use to be more mixed, much like a PRD describes. He said it does provide flexibility within the plan. Mr. Robb said a variety of housing requirements need to be met. Mr. Taylor said he feels the Developer should update the “Narrative” of how they feel their proposal fits in with the variety of housing in a PRD. He would like to see a “Narrative” submitted by the Developer that has much more detail than what they submitted with their application.

Planning Commission Member Lisa Lachina explained she had to leave the meeting (7:15 pm) due to a previous obligation.

Mr. Slagle requested details on the litigation that was going on at the Richmont Estates Development. Ms. Gouwens said it is heartbreaking to hear the residents talk about the problems taking place in their new development. Solicitor Robb said this is not the time to discuss this.

Several residents, who sat in the audience and did not identify themselves properly, questioned the tree mitigation fees and how the new plans will meet the new Tree Ordinance. They also volunteered to give up each of their 5 minutes to speak to Ms. Gouwens so she could speak further about concerns they all have with the Development. Solicitor Robb said no, that is not the way it works.

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Mr. Rouggie asked what the conditions are for the developer. Mr. Taylor said he would like to see a detailed Narrative submitted by the Developer as to how they feel they meet the requirements of a PRD. He said he would also like the developer to speak with Fox Chapel Water Authority about the access road, and he would like to see the sidewalks extended down to Dorseyville Road. He said all street lighting should be "dark sky compliant". Mr. Rouggie asked if the proposal could be tabled at this time. Solicitor Robb said they need to watch the time frames, as specified by the MPC. They have 60 days from the date of submission to make a decision, or ask the developer to submit a written letter of extension. Mr. Victor said the plans were submitted on May 11, 2022. Ms. Klimko questioned how residents will know if a Public Hearing will be held. She said the Township advertises in the "Valley News Dispatch", which is located out in Tarentum, and residents have no way of knowing of upcoming Public Hearings. Mr. Robb said the "Valley News Dispatch" is the official Newspaper of record for the Township because it covers the entire 17 square miles of the Township. Also, legal notices are posted on the Township website and on the Township monthly Agendas. Furthermore, the properties are also physically posted with copies of the meeting notice.

Mr. Taylor made a motion, seconded by Mr. Geahry, recommending TABLING the "FOX CHAPEL ESTATES PLANNED RESIDENTIAL DEVELOPMENT (PRD) - Tentative Approval" so the Developer can address the outstanding items in the Engineer's review letters dated May 20, 2022. Also, the Members would like the Applicant to submit a narrative of how their proposal fits the definition of a Planned Residential Development. They would also like the Applicant to meet with the Fox Chapel Water Authority or the property owner regarding getting permission to use the existing easement to the water tower as an emergency-access road. Furthermore, Commission Members would like the Applicant to consider extending the sidewalks down to Dorseyville Road and to provide "dark sky compliant" lighting within the plan.
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 March 23, 2022 regular meeting.

ADJOURNMENT

Mr. Miller made a motion, seconded by Mr. Geahry, to adjourn the May 25, 2022, Planning Commission Regular Meeting. Motion carried unanimously.

The meeting was adjourned at 7:20 p.m.

Jacquelyn A. Rouggie
Recording Secretary

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