TOWNSHIP OF INDIANA

PLANNING COMMISSION

MAY 26, 2021

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 held at Indiana Township Town Hall, with limited individuals physically attending due to Corona Virus Pandemic concerns and the need for "social distancing", with the option of audience members attending the meeting by phone. This meeting was recorded on audio cassette.

APPROVED

ROLL CALL

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

REGULAR MEETING MINUTES OF APRIL 28, 2021

Mr. Taylor made a motion, seconded by Mr. Geahry, to approve the April 28, 2021, regular meeting minutes as presented. Motion carried unanimously.

NEW BUSINESS

REQUEST FOR ZONING MAP CHANGE

Board Members were once again presented with a request for a Zoning Map Change by CZ Franklin LLC for parcels they plan to acquire (known as Lot/Blocks #1084-A-111, #1084-A-71, #1084-A-189, and #1084-A-194), consisting of approximately 30.2 acres, which are located off of Little Deer Creek Road, along the West Deer border. The properties are currently zoned "RE - Residential Estate". However, they previously requested they be changed to "VR - Village Residential". Now, they are asking that they be re-zoned to be "MDR - Medium Density Residential". Frank Zappala from CZ Franklin LLC was present.

Mr. Zappala said they first came in with a presentation to the Planning Commission meeting with a request for these properties to be re-zoned "VR- Village Residential" in April. Concerns were expressed regarding the density of the zoning at the meeting, and Mr. Zappala asked that the Planning Commission table their request so they could explore other possibilities. They then withdrew that request, and re-submitted the request being presented tonight to change the properties' zoning to "MDR - Medium Density Residential" instead. He noted the properties are located along Little Deer Creek Road at the very northern portion of the Township in a residential area. He showed their location on a map. He said the property across the street was used as a fly ash dumping area and for mine reclamation. He said

based on the existing homes that are in the area, he feels that the “MDR” zoning district would be a good fit. He also showed a map of a preliminary lot layout of what they would like if their zoning change is approved and they acquire the land. He said they would like to develop it into 53 Single Family Dwellings.

Mr. Slagle confirmed at last month’s April Planning Commission, their proposal was to change the zoning to “VR”, but it was the general consensus of all that the smaller lot size in a “VR” zoning district would be too dense for the area. He said he liked the idea of the zoning being changed to “MDR” instead, and if approved, the development be presented as a PRD (Planned Residential Development). He said by doing a PRD, a public hearing would be required to get public input. Mr. Slagle said he prepared a review letter dated May 21, 2021. He said for a PRD, located in an “MDR” zoning district, the setbacks are 25' in front, 10' in the rear, and 15' on each side. Mr. Slagle noted there are currently two large estate type houses that were recently built on adjacent lots. Mr. Geahry asked if this request is considered “spot zoning”. He said he feels if they receive approval of changing the zoning from “RE” to “MDR” that too many more homes could be built. Solicitor Janocsko explained that “spot-zoning” is usually when only one lot’s zoning is changed and it is only beneficial to the owner. She said this application would not be considered “spot-zoning” because it is four parcels that they intend to develop into a community and blend with similar homes in the area. She noted that similar residential properties along Little Deer Creek Road in this area are already zoned “VR”.

Mr. Slagle questioned if the existing road system and utilities in the area could sufficiently handle the amount of increased usage. He said tonight’s presentation is for a request to change the Zoning of the parcels, not for an actual development. He said the development they showed is just a conceptional plan of what they would like to do. Solicitor Janocsko said a Public Hearing would need to be held prior to any changes being made to the zoning of the properties.

Mr. Zappala said the current “RE” zoning restricts the parcels to be subdivided into large acres of land, which is not similar to most of the homes in the area. He feels the “MDR” zoning would be a better fit. Mr. Geahry asked if the homes would be able to be seen from Little Deer Creek Road; Mr. Zappala said no. Mr. Geahry said he likes the current zoning with a minimum lot size for a subdivision to be at least two acres. Mr. Zappala said “RE” zoning is not conducive for the type of development they wish to do. Mr. Slagle said he viewed the area on Google maps, and said there are a lot of smaller homes existing in the area in both Indiana and West Deer Townships. Mr. Slagle asked if there is public water and sewage available in the area; Mr. Zappala said there is. Mr. Slagle noted that at one point, due to a railroad tunnel, Little Deer Creek Road narrows to a one-lane road. He said increased traffic could cause a problem. Mr. Geahry said he lives nearby and traffic in that area is already a problem. Commission Members discussed the traffic issue, and the affect increased traffic would have in the area of the tunnel. Little

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Deer Creek Road cannot be widened to a two-lane road due to the tunnel, which is owned by B & LE Railroad.

Mr. Taylor suggested that it may be a good idea to recommend to the Board of Supervisors approval of the request so a Public Hearing can be held for residents of the area to speak about concerns they might have. Mr. Slagle agreed that holding a Public Hearing would get the opinions of everyone affected by the change. Mr. Taylor said if they do approve this change, perhaps they should change the other properties located along Little Deer Creek Road in this area to be the same zoning. Solicitor Janoscko said the other properties were not part of the application that was submitted. Mr. Zappala said further south of the properties they wish to acquire, the zoning is mostly already "VR" and the homes are small. Mr. Taylor said those homes do not meet the current Zoning Ordinance restrictions that are now in place. They are considered to be pre-existing, non-conforming use homes.

Mr. Slagle said on one side of the property, there is an adjacent 30-acre lot with a home owned by the Carson family. He said by changing the four parcels requested tonight to "MDR" zoning, in future years, it could actually make their property more valuable, rather than keeping it in the less dense "RE" zoning district.

Mr. Rouggie said nobody was in attendance for public comment via phone. He then asked for public comment by anyone in the audience. A women identified herself as Katie Wolfe (no address was given); she said she was unclear of what was exactly being requested by the applicant tonight. Mr. Rouggie explained it was for a Zoning Map change request only, and for approval for a Public Hearing to be advertised by the Board of Supervisors. Solicitor Janoscko said if approval is recommended, the Public Hearing would probably not be held until July due to advertising restrictions by the PA MPC. Mimi Carson of 100 Hickory Lane said she lives on the 30 acre adjacent property. She asked what type of impact the development would have on the existing Marshall Hill Road, which is an unpaved, dirt road. She questioned why they want to change the "RE" zoning, and suggested they find somewhere else to build the development. Mr. Rouggie said the entire "RE" zoning is not being requested to be changed; only four of the parcels that are located along Little Deer Creek Road. Ms. Carson said Mr. Slagle suggested changing the zoning of the entire area along Little Deer Creek Road; she said she does not agree with this idea. Mr. Slagle said if the development does proceed, a traffic study will be required to be done. Mr. Slagle said if the adjacent properties are changed along Little Deer Creek Road, it could be good for development in this area. He said when the current Zoning Map was updated in 2007, areas along nearby Cove Run Road had their zoning changed to make the area more conducive for development. Mr. Geahry said he is afraid if the request tonight is approved, a "snowball" effect could be created and it could attract other developers to ask for changes to the zoning of other properties in this area. Mr. Slagle explained there are controls in place during approval of developments to control this.

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Jordan Rousch of 237 Little Deer Creek Road said he lives next door to these parcels. He said he understands the possibility of future development, but he is concerned with now. He said he moved out of the city and bought his lot and house because of its "country charm". He expressed concerns regarding the one-lane area of Little Deer Creek Road; he said it already has problems handling the existing traffic. He also had concerns about damage to the roadway that may be caused by bringing in large equipment and trucks to build a development. He said there are streams that go through the parcels and is concerned about the impact that may be done to them. He also is concerned about how the development could impact the School District by adding additional students. He said he would never have moved into his new home if he knew the Zoning of parcels could be changed.

Ken Turnbull of 322 Marshall Hill Road said he lives on 20+ acres on Marshall Hill Road. He said the area is unique with its larger lot sizes. He said if the Planning Commission recommends approval to change the Zoning of the land to a lesser use and smaller properties, a "domino-effect" could be created by making it more appealing to development.

Beth Spatz of 436 Church Lane said she is an Indiana Township resident, but does not live near the Rural Ridge area. She said she does understand the concerns of those residents that live near the proposed parcels, and she said she does not feel any consideration is being given to the environmental impact this zoning change could have to the land in the area.

Jonathan Neumann of 222 Chatham Lane said he resides in District #5 (Fairview) in the Township. He said when the Zoning Map is updated, he asked that the Planning Commission take into consideration the future changes that could be made. He asked why the original proposal that came in was not presented as an "MDR" re-zoning, but a "VR" re-zoning first.

Mr. Taylor reminded the audience that the Planning Commission is a recommending body only; final approvals and denials are made by the Board of Supervisors. Solicitor Janocsko said she feels the Planning Commission should recommend approval of the request so that it can be sent on to the Board of Supervisors and a formal Public Hearing can be held. Mr. Taylor asked what would happen if the Commission chose not to recommend approval of the plan tonight. Solicitor Janocsko said if they recommend tabling the plan, it could stop the zoning change request. Mr. Rouggie asked what if they recommend denial. Solicitor Janocsko said since the Commission is only a recommending body, the Applicant could still request to be heard by the Board of Supervisors without the Planning Commission's "blessing". Mr. Zappala agreed that the Planning Commission is only a recommending body, and said whether they recommend approval or denial of the plan, they can still go to the Board of Supervisor's with their request. Commission Members had a discussion on what they feel they should recommend to the Board.

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Mr. Geahry made a motion, seconded by Mr. Taylor, recommending denying the Zoning Map Change Request by CZ Franklin, LLC. Ms. Lachina said she could not decide on whether to vote to approve or deny the request, so she said she is abstaining from voting. Motion passed with three denials and one abstaining.

AMENDED SALDO BASED ON TOWNSHIP RESIDENT'S COMMENTS

Mr. Slagle said the Township authorized the review and update to the Township's Subdivision and Land Development Ordinance (SALDO), which was very old. It was first adopted in the 1970's, and over the years, many amendments were made to it as needed. Mr. Curti and Mr. Slagle met numerous times to create a new Ordinance. On April 13, 2021, the new SALDO was adopted by the Board of Supervisors.

After the new SALDO was approved and made available to the public, residents submitted concerns/changes that they would like to see made to the new SALDO. Mr. Slagle said he and Mr. Curti met several times to discuss incorporating these suggested changes. Mr. Slagle presented the Planning Commission with a "red-lined" version of the amended SALDO, and reviewed the various changes. Solicitor Janoscko said a copy of the "red-line" version will be made available to the Public when it is ready to be advertised for a Public Hearing for comments. The Planning Commission discussed the various updates. Mr. Slagle noted there could be "legal" ramifications of the way a SALDO is interpreted, and the Court System is not "black and white" on its decision if a development ends up in litigation.

Mr. Slagle said there was a lot of consideration given to the suggested amendment changes, including tree issues, street lengths, sidewalks within developments, etc. He also said the way bonds are posted gives the Board leverage on making sure developments are completed. Mr. Slagle said the Board of Supervisors asked the Planning Commission to review the current "red-line" amended version that they were given, dated May 21, 2021, and submit any additional comments they may have. Mr. Slagle said the document is not yet ready to be given to the Board of Supervisors for their consideration, and a Public Hearing will need to be held on the newly updated document. The Township residents will have approximately a 30-day review period from the time it is advertised until the Public Hearing.

Chris Capone of 3606 Windsor Court asked if the public can see the document as it stands now. Commission Members said they were told that the draft SALDO cannot be made available to the public until the Board of Supervisors had a chance to review the document, and advertisement is made for a Public Hearing to be held for comment. Mr. Capone said he felt by not letting the public review the document prior to the Public Hearing, they do not get a chance to give them time to review it and be ready to submit their comments. Ms. Hertweck of 115 Berryhill Road said she feels the same way. Mr. Taylor explained this is how the procedure works. Mr.

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Capone said he still feels a current version should be made available to the public after the Planning Commission makes their comments, and before a Public Hearing is held, to give the residents a chance to see what changes were incorporated. Solicitor Janocsko said she legally recommends that the public wait to review the document at the Public Hearing. Mr. Capone asked why a "hard copy" cannot be made available for review by the public and kept at the Code Enforcement Office for public review during regular business hours. Mr. Slagle explained draft comments could lead to unnecessary premature reaction by the Township residents in an area of the SALDO that may be further revised by the Township prior to the Public Hearing.

Ms Hertweck asked if the comments regarding tree replacement and such were reviewed closely. She said she feels the Township could hire a professional arborist to review this section of the SALDO and give their opinion.

Solicitor Janocsko said there are usually challenges when provisions are proposed. Mr. Slagle said he feels the current amended SALDO has been strengthened even more. He noted nothing is perfect, but they can only do the best they can to protect the Township and its residents. An unidentified woman said she felt that ALL municipalities should adopt and follow the same exact SALDO. Mr. Slagle said that is impossible because every Township is unique.

The Planning Commission was asked to review the "amended" SALDO again, and to submit any comments for consideration by June 9, 2021. They can then review the final version at their next meeting and make a recommendation to the Board of Supervisors whether to proceed with advertising for a Public Hearing to be held.

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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 April 28, 2021 regular meeting.

ADJOURNMENT

Mr. Geahry made a motion, seconded by Ms. Lachina, to adjourn the May 26, 2021, Planning Commission Regular Meeting. Motion carried unanimously.

The meeting was adjourned at 7:46 p.m.

Jacquelyn A. Rouggie, Recording Secretary