TOWNSHIP OF INDIANA

PLANNING COMMISSION

FEBRUARY 22, 2023

A reorganization meeting of the Indiana Township Planning Commission was called to order at 6:00 p.m. by Senior Member Patrick Miller with the Pledge of Allegiance. The meeting was recorded on audio cassette.

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

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REORGANIZATION

Mr. Taylor made a motion, seconded by Mr. Miller, to re-appoint Michael Rouggie as Chairman for 2023. Motion carried unanimously. The gavel was turned over to Mr. Rouggie.

Mr. Miller made a motion, seconded by Mr. Taylor, to re-appoint Daniel Taylor as Vice Chairman, re-appoint Pat Miller as Board Secretary, and re-appoint Jacquelyn Rouggie as Recording Secretary for 2023. Motion carried unanimously.

MONTHLY MEETING DATES

Mr. Geahry made a motion, seconded by Mr. Miller, that monthly meeting dates shall remain the same: the fourth Wednesday of each month at 6:00 pm, with the exception of the November meeting, which will be held on November 15th due to the Thanksgiving Holiday, and the December meeting, which will be held on December 20th due to the Christmas Holiday. Motion carried unanimously.

MEETING MINUTES OF SEPTEMBER 28, 2022

Mr. Miller made a motion, seconded by Mr. Taylor, to approve the September 28, 2022, regular meeting minutes as presented. Motion carried unanimously.

Mr. Slagle and Chairman Rouggie asked if any audience member is video recording tonight's meeting. Nettie Owens of 109 Bruno Drive said yes, and it is also being live-streamed on the Internet.

DEVELOPMENT PROPOSALS

STOECKLEIN PLAN OF LOTS - MINOR SUBDIVISION PLAN

Commission Members were presented with a plan to combine two lots: Tax Parcel 954-P-250 (17.733 acres) and Tax Parcel 835-B-400 (3.9327) acres, and then subdivide the consolidated 21.6657 acre lot into Lot 1 (17.9633 acres) and Lot 2 (3.7024 acres.) The parcels are located approximately 1,400 feet southeast of the intersection of State Route 910 and Saxonburg Boulevard. The properties are zoned "LDR" Low Density Residential. Jerry Nist of Hampton Technical Associates was present to represent the applicants, Walter J. and Shelley S. Stoecklein.

Mr. Nist said they are basically just reconfiguring the lot lines of the two parcels. Mr. Slagle said the plans were originally submitted to the Township on February 14, 2023. Mr. Slagle said they intend to access Lot 2 from Kellingwood Drive in the Heathergate Plan. Mr. Slagle said since he did his original review letter on February 15, 2023, Mr. Nist submitted a new drawing addressing most of his concerns.

Mr. Slagle said in accordance with the plans for Heathergate Plan No. 1A, dated November, 1979, it appears there is a strip of property independently owned separating Kellingwood Drive from Lot 2, as included as an Exhibit in his letter. He also handed out copies of the Plan for the Planning Commission's review. He noted that the plan was never stamped or sealed by a Township Engineer. But, he said the Board of Supervisors did in fact approve Heathergate Plan No. 1A. Mr. Slagle was told there is a piece of land separating the parcel adjacent to Heathergate, thus blocking access to the lot from Heathergate. Mr. Slagle said in his review letter that he would like a legal option as to whether the proposed Lot 2 can be accessed via Kellingwood Drive or if a separate access will be provided for the lot.

Mr. Nist said they did extensive deed research, reviewed prior surveys, survey pins, deeds, etc. and could not find anything blocking the access to the newly created Lot 2 from using Kellingwood Drive as an entranceway. He said there is an existing 15' easement from Route 910 to the lower half of the property. He said the Stoecklein's purchased both of the parcels and had them both re-surveyed. He said Attorney Art West met with him and the Stoecklein's regarding the right-of-way for the back parcel. He said they could not find anything at all showing the "legal" separation that Mr. Slagle recalls. Mr. Nist said he feels both surveys are accurate. Mr. Nist said that Mark Schmidt, owner of Hampton Technical, asked Ms. Rouggie if she could pull copies of the minutes from back when this portion of the Heathergate Plan was approved. He said they did see something about a lot line dispute, but nothing about a piece of land separating Heathergate from the adjacent parcel now owned by the Stoecklein's. Mr. Rouggie asked if they are asking for the right-of-way to be moved. Mr. Rouggie also asked if the nearby creek could affect the plan. Mr. Nist said those are both moot points, and showed the surveys they did to the Planning Commission Members. Mr. Slagle pointed out the 15' easement on the easterly side of the property. He asked why the 15' was granted unless it is meant to be used for access to the back parcel. Mr. Nist said it already existed; it was not something they created. He said it was there when the Stoecklein's purchased the properties, and they now own both parcels, so it is not an issue. Mr. Slagle said the Stoecklein's feel they have access to the property from Kellingwood Drive. Mr. Curti

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asked if the 15' easement existed prior to the Heathergate Development, and questioned why it is even there. Mr. Nist said they researched older deeds too. He showed the existing easements, which they plan to remove. Mr. Curti said he feels since the Heathergate Plan from 1979 shows the 15' easement, that it was already there.

Mr. Slagle reviewed his letter dated February 15, 2023. He asked if there are any existing natural/artificial features that may impact the plan; Mr. Nist said no. Mr. Slagle asked that the location of any existing houses be shown on the plan; Mr. Nist said they have been added. Mr. Slagle said most of the other items he requested are now on the new plans. He also went over the Section of the SALDO explaining that every lot shall be provided with adequate access in case of the need for public safety vehicles. Mr. Slagle also said all utilities must be located underground; no above ground utilities are permitted. He said that no Subdivision can result in a lot being "landlocked" and not have public access.

Mr. Slagle said he recommends the Plan be approved conditioned upon the testimony from Hampton Technical Associates about the access to Lot 2 having access from Kellingwood Drive. Mr. Curti noted there was a mistake of a name on one of the parcels; Mr. Nist said he can correct this. Mr. Slagle asked why there is a "jog" shown on the property. Mr. Rouggie said he did not feel it matters, since they are consolidating the two lots anyways. Mr. Miller asked if they plan to develop the property. Mr. Nist said not that he knows of, but he is not sure. Resident Anne King of 3017 Boardwalk Court asked if Heathergate has an HOA. Mr. Slagle said he is unsure. He said the plan was approved back in 1979, and he was not sure if HOA's were even required back then. Mr. Rouggie said he thinks that Ms. King is referring to when the Members spoke about "HOP's" - which is an acronym for Highway Occupancy Permits, for permission to open public roadways.

Mr. Miller made a motion, seconded by Mr. Taylor, recommending APPROVAL of the "STOECKLEIN PLAN OF LOTS - SUBDIVISION PLAN" with the condition that any outstanding items in the Engineer's Letter dated February 15, 2023 are addressed, and based on the condition that public access is available from Kellingwood Drive as documented by Hampton Technical Associates' property research. Motion carried unanimously.

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OLD BUSINESS

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

Mr. Slagle summarized the procedures in making changes to the Township's Zoning Ordinance and Subdivision and Land Development Ordinance (SALDO). He said they must also take into consideration the Township's "Comprehensive Plan", which is a "vision" of the Township. Mr. Slagle said the main document that needs to be followed is the "Pennsylvania Municipalities Planning Code" (PA MPC), which is created by the State of Pennsylvania. All municipalities must comply with it, but municipalities can revise and modify sections of it to fit their town. He also said Indiana Township is a "2nd Class Home Rule Charter", which makes it unique because it has five Supervisors, instead of just three. Mr. Slagle summarized how all of these documents work together in defining the steps the Township must follow

when reviewing plans. The "Comprehensive Plan" was utilized to develop the Indiana Township's Zoning map, which dictates the boundaries of the various zoning districts. Based on the allowable density in each district, the various components of the Township infrastructure was developed which included roadways, school districts, etc. The SALDO was the next key component which defined a procedure for the review and consideration of property subdivision and development.

The Original Township Zoning Ordinance No. 123 was adopted on June 24, 1972. Township Supervisors retained the services of a planning consultant (Robert Kipp and Associates) in January, 2011 to update the Zoning Ordinance which included the PRD Section. This update to the Township's Zoning Ordinance was adopted on November 9, 2011 in compliance with the Municipal Planning Code (MPC) based on recommendations from Robert Kipp. Based on the Township Supervisors concerns, which were reinforced by Township residents, the Township Supervisors authorized the Township Engineer and Code Enforcement Officer (CEO) to start the process of updating the Township's SALDO in June, 2020 which was formally adopted by the Township on April 13, 2021 after numerous public meetings based on the recommendation of the Planning Commission and Allegheny County's Planning Department. The Township Supervisors immediately authorized the Township Engineer and CEO to begin the process of updating the PRD section of the Zoning Ordinance in order to reduce the allowable density and make it more compatible with the surrounding residential areas and densities.

Mr. Slagle also discussed "Planned Residential Developments" (PRD's) and how they work versus a regular multi-subdivision. He said due to the lay of the land and topography in our area of Pennsylvania, it gives developers the opportunity to tailor their Developments to the properties.

Mr. Slagle said the Township recently updated the SALDO, and now the Township plans are to work on updating the PRD section of the Zoning Ordinance. The Township Board of Supervisors requested this be done due to the multiple PRD's that have recently been presented to the Township for consideration. Mr. Slagle said he met with the Township Solicitor Gavin Robb, as well as the Code Enforcement/Zoning Officer Jeff Curti, to discuss possible changes to the Zoning Ordinance. He said the first "draft" to the PRD section of the Ordinance is being considered by the Planning Commission Members for their review and comments. Mr. Taylor said he reviewed the "draft" that the Planning Commission recently received, and he had a number of changes, including grammatical errors.

Audience Members asked if they could have a copy of the "draft" of the changes that the Planning Commission Members are reviewing. Mr. Taylor said they cannot; it is still in the "draft" stages. He said this is a rule governed by the PA MPC.

Mr. Slagle reviewed the "draft" document and some of the proposed changes being considered. Planning Commission Members discussed changes and submitted their input. Mr. Slagle said the types of units, setback requirements, etc. are all being considered.

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Chairman Rouggie opened the meeting up for public comment. Vince Smith of 131 Rawlins Run Road, asked when the public could review the "draft" document. Mr. Taylor said not until it is ready for the Board of Supervisor's to review. Mr. Smith said he had concerns about certain parts of the "Tables" in the PRD section of the current Zoning Ordinance. Mr. Smith asked if the five Planning Commission Members will vote on the changes. Members explained they are just a recommending body to the Board of Supervisors; it will be the Board who officially votes to accept the recommended changes.

Thomas Drake of 105 Hodil Terrace, asked if the Planning Commission Members reside in Indiana Township. He was told they do. Mr. Drake said he feels the Township worries more about what Developers' want, and not what the constituents want. Mr. Slagle said the Township is bound by the guidelines in the PA MPC. A discussion was held about how everyone's opinions are considered. Mr. Drake asked if PRD's can be totally forbidden in the Township; Mr. Slagle said no. The MPC requires them; the municipalities can only put limitations on them.

Mr. Taylor asked Chairman Rouggie if he felt it was advisable to have the Engineer, Solicitor and Mr. Curti more of a chance to review what was newly presented tonight and then discuss these further changes at their next meeting. Mr. Rouggie agreed that was a good idea. He said he would also like to have the Solicitor present at their next meeting so he can discuss his ideas as well.

Dave Gravina of 211 Indian Drive, said he understands the negative feedback. He said all of the "Open Space" in the Township is what makes it a special place to live and this should be considered. He also had concerns about infrastructure within the Township. Mr. Slagle said there is still a lot of "Open Space" within Indiana Township. He said the idea is to develop the land "smart". Mr. Gravina asked why the public cannot review the "draft" document. Mr. Curti explained that it is not an official public document until the Board of Supervisors have a chance to review it, and a Public Hearing is held.

Jon Neumann of 222 Chatham Lane, said he is a Township Supervisor. Mr. Rouggie explained to Mr. Neumann that the Commission has been legally advised that Supervisors should not publicly give their opinions at Planning Commission Meetings and was asked to step down from the podium.

Nettie Owens of 109 Bruno Drive, said she has concerns about the "Tree Section" of the recently revised SALDO, and what the process would be to address that again. Mr. Taylor suggested she speak with her Township Supervisor.

Linda Massarelli of 5 Pine Creek Drive asked if these changes will affect the Indiana Trails PRD and make it a better Development. Planning Commission Members told her that the proposed change to the Zoning Ordinance will only affect future developments.

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Mr. Neumann asked why there was not a Solicitor at the meeting tonight. He said he feels the Planning Commission is being disrespectful by telling a Board Member that they cannot speak. He said he was never told that before. He said he wanted to talk as a citizen, not a Board of Supervisor, and he feels he was disrespected.

Ben Rathfon of 2022 Olivetre Drive, said he lives in the Richmont Estates Plan. He said he does not feel there are rules in place to ensure the Developer is being held accountable for their actions, and that the plans are not being built as they were originally approved. Mr. Miller pointed out that the Developer entered into a Developer's Agreement with the Township, all bonds have been posted, and all fees have been paid. Mr. Curti asked why Mr. Rathfon feels this way. He said all the roads are in the right place, and the developer is building the development as proposed. Mr. Rathfon said their walking trail is not in yet. Mr. Curti pointed out that Richmont Estates is still being built, and so far, all of their plans, infrastructure, etc. is being built in accordance with their plans. Mr. Curti said the number of units, the road structure, etc. are all being built as approved. He also added this is not a topic for the Planning Commission. Mr. Taylor agreed and said the Commission Members have no control over the private issues that Mr. Rathfon is having with his individual home and the builder.

Planning Commission Members agreed to conclude further discussion of this matter for the evening.

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 September 28, 2022 regular meeting.

2022 PLANNING COMMISSION ANNUAL REPORT

Each Commission Member received a copy of the Planning Commission's Annual Report for 2022.

ADJOURNMENT

Mr. Taylor made a motion, seconded by Mr. Geahry, to adjourn the February 22, 2023, Planning Commission Reorganization Meeting. Motion carried unanimously.

The meeting was adjourned at 8:25 p.m.

Jacquelyn A. Rouggie
Recording Secretary

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