TOWNSHIP OF INDIANA

PLANNING COMMISSION

MAY 22, 2024

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

The roll was called and Planning Commission Members present were Peter Blume, Kevin McKeegan, Preston Moore, and Daniel Taylor. Michael Rouggie 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 Township Solicitor Irving Firman, Esq. from Tucker Arensberg.

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REGULAR MEETING MINUTES OF APRIL 24, 2024

Mr. McKeegan made a motion, seconded by Mr. Blume, to approve the April 24, 2024, Regular Meeting Minutes as presented. Motion carried unanimously.

DEVELOPMENT PROPOSALS

McKAMISH/MILOSER PLAN OF LOTS - MINOR SUBDIVISION

Commission Members were presented with a subdivision plan consisting of redrawing lot lines between Lots 100, 101, 102, and 103. The parcels are located off Dorseyville Road, between the intersection of Fox Chapel and Rawlins Run Roads. The properties are zoned "MDR" Medium Density Residential. The Applicant and property owners David McKamish and Steven J. Miloser were present, along with their representative Dennis D'Amico, from Gateway Engineers, Inc.

Mr. McKamish said this is a lot line revision between properties owned by both himself and Mr. Miloser. Mr. Curti asked for the reason of for the subdivision. Mr. McKamish said he has lived there for about 25-30 years, and he wanted to make the topography of his land flatter. Mr. Curti questioned the location of the existing shed and if it was found to be built on property owned by Mr. Miloser when the surveys were done. Mr. McKamish said it was; he said up until about 5-7 years ago, he did not know exactly where the property lines were. Mr. Curti pointed out that if a Permit was applied for the Shed when Mr. McKamish built it, a survey would have been needed and it would have shown that the shed was not located on Mr. McKamish's property. Mr. Curti said a Permit would have never been granted by the Township.

Mr. Slagle reviewed his letter dated May 16, 2024. He said there were minor corrections that needed to be made to the plans. He asked if there were any natural and/or artificial features that may impact the lot line revision; Mr. D'Amico said there were not. Mr. Slagle asked what the name of the private lane was that

Mr. Miloser used to access his property; Mr. Miloser said Fox Hart Lane. Mr. Slagle asked that a private street sign be put up indicating that "Highlander Drive" (where the McKamish's access their properties) be installed. Mr. McKamish said there has been one up from years ago, when he first subdivided his property. He said it was installed by the Township.

Mr. McKeegan made a motion, seconded by Mr. Moore, recommending APPROVAL of the "McKAMISH/MILOSER PLAN OF LOTS-MINOR SUBDIVISION", conditioned upon any outstanding items in the Engineer's Letter dated May 16, 2024 be addressed. These items include:

1. ***Verify the spelling of the name "Stephen vs. Steven" for the Miloser properties.***
2. ***Provide the location of all existing and proposed utilities on the plan.***
3. ***Remove the word "and" from the Municipal Engineer's Certification.***
4. ***Provide a statement affixed to the plan stating: "The Township by approving and/or executing this plan in no way undertakes any responsibility with regard to stormwater runoff, wetlands, archaeological sites, and/or other environmental requirements or matters. Further, the Township undertakes no responsibility for operating any activities at the Land Development."***
5. ***Provide a copy of the Allegheny County Highway Occupancy Permit (HOP) for the existing private street.***
6. ***A fire hydrant must be located within 500' of all structures. Please indicate the distance to the nearest fire hydrant on the plan.***

Motion carried unanimously.

KIRBY & GAUTHIER PLAN OF LOTS - MINOR SUBDIVISION

Commission Members were presented with a subdivision plan consisting of redrawing lot lines between properties owned by the Kirby's and Mr. Gauthier. The parcels are located off Wagon Wheel Lane (private), approximately 0.4 miles southeast of the intersection of Indianola Road and Wagon Wheel Lane. The properties are zoned "LDR" Low Density Residential. The Applicant and property owners Timothy Kirby and Brad Gauthier were present.

Mr. Kirby said the lot line adjustment will provide needed access to his property, and in exchange, he will give more property to Mr. Gauthier. Mr. Slagle said Wagon Wheel Lane is a private road, and he said many years ago, a right-of-way and easement was shown along the back side of the properties. He asked if it still exists; Mr. Gauthier suggested someone could contact the heir of the Overbeck properties, who was the original owner, to find out. Mr. Kirby said he has an easement to his property off Wagon Wheel Lane. A discussion was held about the various easements on the properties.

Mr. Slagle reviewed his letter dated May 20, 2024. He said minor revisions need to be made to the plans. Mr. Slagle said the minimum side yard setback is not met for Parcel #724-E-178, but he said it is a pre-existing condition and is "grand fathered-in". A discussion was held about the irregular shape of the lots and

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easements. Mr. Slagle added that when he spoke to the Applicant's Surveyor Mark Schmidt from Hampton Technical Associates, Mr. Slagle said a waterline easement needs to be added to the plans for Mr. Kirby to be able to access the public waterline through Mr. Gauthier's property.

Mr. McKeegan made a motion, seconded by Mr. Moore, recommending APPROVAL of the "KIRBY & GAUTHIER PLAN OF LOTS-MINOR SUBDIVISION", conditioned upon addressing any outstanding items in the Engineer's Letter dated May 20, 2024. Also, a waterline easement needs to be added to the plans for Mr. Kirby to gain access to the public waterline through Mr. Gauthier's property. Outstanding items include:

1. ***Verify the Lot Areas on the plan summary table.***
2. ***Add the revision date(s) in the "Revision Block" area.***
3. ***Revise the "Access Easement for Lot 1" to state "Access Easement for Lot 2".***
4. ***Revise the Sewer utility information to indicate that both lots are serviced by private sewers.***
5. ***Provide the seal and signature for the Certified Professional that prepared the plan.***
6. ***Revise the verbiage in the recording covenants to change "Council" to "Board of Supervisors", where needed.***
7. ***Provide a digital copy of the final plan in AutoCAD format.***
8. ***Add the Right-of-Way Easement for the waterline to the Kirby property onto the plan.***
9. ***Confirm access to Wagon Wheel Lane for both lots.***

Motion carried unanimously.

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OLD BUSINESS

REQUEST FOR ZONING MAP AMENDMENT BY MPF MANAGEMENT LLC FOR PROPERTY LOCATED AT 920 ROUTE 910 (Block/Lot No. 836-E-207)

Board Members were once again presented with a Zoning Map Revision Request by MPF Management, LLC, to change the zoning of a parcel, known as Block/Lot# 836-E-207, located at 920 Route 910, from "O/C" Office Flex Commercial to "L/I" Light Industrial. The 59.87 acres parcel is currently owned by D&D Supply Inc. It is located on the eastern side of Route 910, at its intersection with the Westbound side of the PA Turnpike to Field View Lane. It is approximately 1,000' south of Emmerling Community Park, adjacent to Deer Creek, and the Rachel Carson Trail. MPF Management, LLC plans to eventually apply for a "Conditional Use Permit" to develop an unconventional well pad. Attorney Jake Polochak of MPF Management, LLC, was present.

Mr. Polochak said they previously submitted their Zoning Map Amendment request to the Planning Commission for their review at their April 24, 2024 meeting. The Planning Commission tabled their request pending further research by the Township's Solicitor and legal team regarding the re-zoning of this parcel as "spot zoning".

Mr. Polochak said they had met with representatives of the Township on several occasions to discuss their proposal. He said at the time, other properties were being considered. Mr. Polochak said he feels that re-zoning this property would not be "spot zoning". Mr. Slagle asked where the other site was located. Mr. Polochak said property that previously housed a company known as "U.S. Pallet"; he said that property is already located in an "L/I" Light Industrial zoned area, and a Zoning Map Change would not be needed to develop this site for an unconventional well pad. It is located about 1/4 mile west of the property they are now considering, along Route 910. He said Well Pads are an allowable Conditional Use in an "L/I" zoning district. However, he said the property is very close to residential properties and is also visible from State Route 910. He said they also looked into other properties as well, but they feel this parcel owned by "D&D Supply" would be best suited for everyone. Mr. Polochak said the property is adjacent to the existing Buckeye Oil Refinery, rather than next to residential properties. Mr. Polochak said the property is basically useless for "O/C" Office Flex Commercial use, as it is currently zoned, due to the topography of the land. Mr. Polochak said the well pad would be at least 200'-500' from Route 910 and would not be visible to the public. He added that the closest residential properties are located across the PA Turnpike.

Mr. McKeegan reminded everyone that the proposal being presented to them is not for approval of a Well Pad, but simply for the re-zoning of a parcel of land at this time. He said if it is approved, a Public Hearing would need to be held, and approval would need to be granted by the Township's Board of Supervisors. Mr. McKeegan said he walked the land, and questioned how the slopes would prohibit the land from being developed for commercial use. He pointed out other areas in the Township that are currently zoned for Commercial Use and said there are not many of them. Mr. McKeegan also compared the Uses permitted in the "O/C" zoned areas vs. those in "L/I" zoned areas.

Mr. Polochak said at the last Planning Commission meeting, he had mentioned donating land to the "Allegheny Land Trust" (ALT) as part of another project they are working on nearby. However, he said they did not have approval from the "ALT" and asked that statement be disregarded. Mr. McKeegan suggested MPF's re-zoning proposal be tabled for at least 60-days to allow time for formal studies to be done on the property. He said he would also like the Planning Commission to receive copies of these studies at least two weeks prior to their next submittal to give them time to review the findings in the documents. Mr. Polochak said they would like to have the Planning Commission recommend a "yes" or "no" decision, rather than "tabling" the request. Discussions were held regarding other plans with similar requests that ended up in Court. Mr. Polochak said the "D&D" property has been up for sale for a very long time; he said he feels their request would be the best fit for this proposed use.

The Commission Members discussed the various options that needed to be considered. Mr. Taylor asked Solicitor Firman for his opinion. Mr. Firman said whether the Planning Commission recommended approval or not, the Board could still proceed with scheduling a Public Hearing for the request. He said if they table the request, it would stay with the Planning Commission for further consideration.

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Mr. Taylor said a lot of good points have been brought up. An (unidentified) member of the audience asked if they need to get Zoning Hearing Board Approval; Mr. Blume said this is not an issue for the Zoning Hearing Board's consideration. Mr. Polochak asked for a moment to privately discuss the Planning Commission's request with other members from MPF Management.

Steve Fine of 110 Black Oak Drive, asked if they have to submit a formal plan of their intended use. Solicitor Firman said no; it is not required as part of a request for the re-zoning of a parcel. He said further evaluations could determine the best use for the land. Mr. Taylor explained certain types of businesses cannot be prohibited entirely; the Township only has the power to limit the areas where they are permitted and to put regulations on them. Mr. Blume agreed and said according to State Law, they cannot simply ban businesses from the Township. Mr. Fine said he did not agree with this. Mr. McKeegan explained that "Oil and Gas pads" are a Conditional Use in certain areas, and he explained the procedures involved, including Public Hearings being held for residents to express their concerns. Mr. Fine asked if noise and operation times are conditions; Mr. McKeegan said they are. Mr. Slagle reminded the public that the request at this time is NOT for a Conditional Use; it is for the re-zoning of a property only. Mr. Polochak said he feels if they can re-zone the property, they could meet the conditions set forth in the Township Ordinance.

Solicitor suggested that a motion to table the request be made at this time, before making a final vote.

Mr. McKeegan made a motion to <u>TABLE</u> this Re-zoning Request for at least 60 days to allow the Applicant an opportunity to submit (I) formal geotechnical and engineering studies by an independent PA licensed engineer regarding the feasibility (physical and cost) of developing the site, and (ii) market or similar studies from an licensed broker or appraiser opining on market trends in the area for uses allowed in the Office Flex Commercial Zoning District, with all such reports to be submitted at least 2 weeks prior to the Planning Commission meeting for further consideration, and with copies to be made available to the public upon request. And further move that the authors of those reports attend the Planning Commission meeting to explain their findings and answer questions. Mr. Blume seconded the motion.

Solicitor Firman and Vice Chairman Daniel Taylor opened the meeting up for Public Comment. The public was reminded that each person was given five (5) minutes to express their questions and concerns.

Matt Viverette of 102 Creigmore Court, said he recently moved into Indiana Township. He expressed concerns abut the close proximity to the schools and parks. He felt the "L/I" zoning districts are too close to residentially zoned properties, and noted there are not many areas in the Township zoned "O/C". He also had concerns about the request being "spot zoning". He proceeded to read information he had gathered about his concerns.

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Vanessa Lynch of 3726 Saxonburg Blvd., said in 2016, when the “Miller Well Pad” was built, they were able to get 900 signatures on a petition against fracking. She said in the Summer of 2019, the Township updated the Well drilling section of the Ordinance. She said residents want more residential development space and not to allow more space for fracking. She also said the ALT confirmed that this project is separate from the “Deer Creek Project”, in which they are currently working on.

Liz Venturino of 123 Eisele Road, said she has lived in the Township for 3 years. She also walks the nearby Rachel Carson Trail. She said she is there to represent the animals and wildlife in Emmerling Park, and areas used for public use.

Andreas Maihoefer of 121 Black Oak Drive, said he wanted to address the motion, and asked why lawyers need to look into it. Mr. McKeegan said to be fair to the Applicant, the Commission Members are asking for the right to have the reports submitted two weeks prior to the next meeting so they, as well as the public, would have a chance to look into what was found. Mr. Maiehoefer read notes he had from the group in 2019 that helped create Ordinance #385 on Well Drilling that provided more protection to the Township residents. He also read from a variety of documents he put together from the PA Constitution and sections of the Zoning Ordinance. Mr. Maiehoefer said the property does not fit in the area, and it is surrounded by “MDR” zoned properties. He said he objects to the proposal by MPF, and feels the Township should work on updating Ordinance #385 on Well Drilling instead, especially the setbacks of well drilling from residential areas.

Adam Bird of 278 Hilltop Drive, said he is a Township resident and also owns rental properties in the Township. He expressed concerns regarding protecting Emmerling Park, and the environment surrounding it.

Denise Schmidt of 1000 Old Mill Road, said the residents were told this meeting was a request for re-zoning of a property only. She said there were two small subdivisions presented earlier in the meeting.

Michael Quinn of 111 Eisele Road, said he agrees with Mr. Fine and the possible disruptions due to the large amount of truck traffic that occurred during the drilling of the “Miller Well Pad”. He expressed disdain against the Developer and his request.

Catherine Hauber of 215 Scarborough Drive, asked if the re-zoning request being considered included the impact to the fields and residential communities around it. Solicitor Firman said this is something that would be at a later point, when land development is addressed. Ms. Hauber had concerns about any future impacts if another hurricane like Ivan, with severe storms, occurred.

Nettie Owens of 109 Bruno Drive, asked if the current Zoning Map reflects the change of the zoning for the Blue Run Road development from “L/I” to “MDR”. Mr. Slagle said it does not. She noted that the “D&D” property does not abut any “L/I” zoned properties. She also said the Zoning Map online is not current, and does not reflect recently approved Zoning Map changes.

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Carissa Katz of 213 Scarborough Drive, said she has concerns with the amount of trees that were taken down during the PA Turnpike expansion project and how their views have been affected.

Jay Weitzel, owner of Camp Deer Creek, on Eisele Road, said he was given 16 pages of recorded minutes from someone. He said he would like a real copy of the approved minutes. Mr. Weitzel asked Mr. McKeegan when he walked the property. Mr. McKeegan said on Saturday, May 11th. Mr. Weitzel questioned how he accessed the property. Mr. McKeegan said through the gate located on Route 910. Mr. Weitzel said he feels the property can be developed under the current "O/C" zoning, as can the property adjacent to it. They discussed how the property looked. Mr. Weitzel asked if they are under a "time factor" and if the Applicant actually purchased the "D&D" property. Mr. Polochak said they are under Contract until October, unless additional options are received. Mr. Weitzel questioned why the Township does not just purchase the parcel of land and add it to Emmerling Park, instead of permitting it to be privately sold and re-zoned. Mr. Polochak said actually they only plan to use a small portion of the property, and then donate the rest of the land to the Township to be added to Emmerling Park. Mr. Taylor said this is something that Mr. Weitzel could address with the Township Board of Supervisors during their meeting.

Trevor Moore of 108 Black Oak Drive, said he had previously served as a Youth Member on the Township's Park and Recreation Board, and he said he did not recall that Board having conversations such as this at their Meetings.

Nia Lynch of 3726 Saxonburg Blvd., said she regularly goes to Emmerling Park to enjoy the recreational areas since she was a child. She said she felt it was horrific to think that Developers would be allowed to come in and change the park, and that children today could not enjoy it like she did while growing up.

Mr. Taylor reminded the audience once again that the proposal tonight was only for a request to change the Zoning of the property; not for what it will be used for.

Elissa Weiss of 134 Dennis Drive, expressed concerns regarding the proposed use of the property, and said it is obvious they plan to use it for Oil and Gas drilling. She said she feels other considerations could be made for the use of the property, as it is currently zoned. Ms. Weiss asked if future consideration has been given as to what if others want to come in to put in more Oil and Gas wells. Mr. Taylor said there is no way of knowing what the future may hold with development. Solicitor Firman said once again, this is a request for a Zoning Change only; it is not a request for what they actually are planning to do with the property if they purchase it.

Haig Sokoian of 323 Blue Run Road, said he lives less than a ½ mile away from the property. He also said he is the new President of the Walnut Woods HOA. He said he has spoken with people not only from the Walnut Woods plan, but also to those living in the nearby Heather Hills and Heathergate plans. He said concerns have been voiced about how this proposal will affect the residents living in these

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developments. He said the only benefit of the plan is to the Applicant, not to the Township residents.

Christine Parise of 16 Dunraey Court, said she feels this meeting is only about the intent of the Applicant requesting the zoning change to be used for Oil and Gas Development; she said that is how they presented it. She said in 2018, 900 people signed a petition against Oil and Gas drilling. She said research has been done into health and safety issues, as well as the effects drilling has on schools, parks, Senior Care Facilities, etc. She said Range Resources has proven in other areas of the Country that they cannot be trusted, and she began citing many other instances of where wells were built, and the effects fracking water, environmental issues, etc. had in these other cases elsewhere. She asked the Commission to not consider allowing the property to be re-zoned to an "L/I" zoning district. She feels consideration of the health of the residents needs to be taken into account.

Nathan Moore of 108 Black Oak Drive, said he served as a Camp Counselor at Emmerling Park for four years. He said he had concerns about the increased traffic, and having large trucks using the roadways during drop off/pickup times during Summer Camp. He said he was also concerned about the children playing in the park during Camp; he said they not only would take them to play in the areas that are actually located in Emmerling Park and owned by the Township, but also on the adjacent, vacant properties outside of the park boundaries.

Ariel Zych of 103 Spring Forest Drive in Fox Chapel Borough said she is not a resident of Indiana Township, but she does do work with the Fox Chapel School district. She said FCASD has some of the best schools in the Country. She said most graduates not only receive diplomas, but also go on to obtain college degrees as well. She said she had concerns this proposal would have on property values, creating nuisance issues, and taking business opportunities away from these graduates that they could use to put their degrees and majors to good use, including possibilities of opening their own businesses in commercially zoned areas of Indiana Township.

Brian Merritt of 512 Sandra Lane, asked if the Planning Commission could electronically broadcast their meetings for those who physically cannot attend a meeting. He questioned why the Planning Commission could not vote on fracking as a Conditional Use for this property. He expressed concerns that they could "fly under the radar" with their proposal.

Beth Vukmir of 110 Deer Run Lane, said she agrees with a lot of the points that Mr. Merritt brought up. She also said she is discouraged. She said Mr. Curti had said at the April 24th Planning Commission Meeting that he helped the owners of MPF to look at other properties other than the one they were initially considering, and she was dismayed that Mr. Curti took it upon himself to encourage the Developer to look elsewhere.

Mr. Taylor said a motion to TABLE the request by MPF for a Zoning Map Amendment to the property located at 920 Route 910 has been made. Mr. Taylor

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also reminded the Board Members they are giving the Applicants at least sixty days, if needed, to gather the Reports that were asked to be gotten by them. Mr. Blume said he remains comfortable with his second as it stands.

Motion carried unanimously.

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

Mr. Curti handed out copies of the "latest" red-lined version of the proposed changes to "Article IV: PLANNED RESIDENTIAL DEVELOPMENTS" section of the Township's Zoning Ordinance that he received from Mr. McKeegan this evening. This is the copy that is to be used for further comments and discussion. It includes all comments, revisions, etc. received up to this date that have been submitted.

Mr. McKeegan reviewed the revised document. Commission Members discussed the "red-lined" issues of the document. Mr. Slagle said some of the original revisions were modified due to the outcome of various Court Cases. Mr. Taylor had "verbiage" changes that he felt needed to be revised. The modifications in each Section was discussed and considered. Changes to "Table IV-A" for the Permitted Densities and "Table IV-B" for the Bulk and Area Requirements were also commented on. Mr. Curti suggested verbiage be added regarding interior walls in "2-Family Dwellings, Quads, and Townhouses" having a 2' setback for accessory structures. Currently, there is no mention of this in the Ordinance as it stands. It only pertains to the end units, not the interior ones.

Changes to the "Common Open Space" areas was also discussed. Mr. Slagle said the way it stands with the setbacks, homes could end up not having any back yards. They also had discussions about how "Open Space" is calculated, as well as "Buffer Areas".

Resident Nettie Owens of 109 Bruno Drive, asked if a copy of the document that was being reviewed could be projected onto a screen so that the audience could follow along in the discussions. Mr. Taylor said at this point, the document is only in a "draft" phase, and they cannot legally do so. Solicitor Firman said historically, there have been numerous "draft" copies that were being considered as revisions were being worked on, and by not having it available for public distribution, it helps to prevent outdated copies of documents in the various stages of revisions from being referred to in error. Mr. Taylor said once all of the Planning Commission Members, Engineer's, Solicitors, and public comments are put into a "final draft" document, to be presented to the Board of Supervisors, it could be made public at that time. He said this helps from misleading anyone from referring to older versions that were previously worked on. Mr. Slagle suggested that perhaps a "workshop" could be held for these revisions to be discussed.

It was agreed upon by the Planning Commission Members, Mr. Slagle, Mr. Curti, and the Solicitor that this current copy that they are using tonight will be the version that they will continue to refer to as changes are made. It was suggested that discussions be concluded for the evening due the lateness in time, and then continued for review at the next Meeting. Everyone agreed.

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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 24, 2024 regular meeting.

ADJOURNMENT

Mr. Moore made a motion, seconded by Mr. Blume, to adjourn the May 22, 2024, Planning Commission Regular Meeting. Motion carried unanimously.

The meeting was adjourned at 8:31 p.m.

Jacquelyn A. Rouggie
Recording Secretary

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