

**MINUTES**  
**REGULAR MEETING**  
**April 6, 2015 7:15 PM**

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**MARSHALL TOWNSHIP BOARD OF SUPERVISORS**  
**525 PLEASANT HILL ROAD**  
**WEXFORD, PA 15090**

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The following persons were present:

SUPERVISORS: Thomas Madigan, Chairman  
Philip Troy, Vice Chairman (Absent)  
Jason Bragunier  
Richard Scavo  
Anthony (Jack) Candek

MANAGER: Neil D. McFadden

ENGINEER: Art Gazdik, P.E.

PLANNING DIR: Nicole Zimsky, AICP

SOLICITOR: Blaine Lucas, BCCZ

TWP. SECRETARY: Sheryl Snyder

OTHERS: 40

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1. Call to Order - The meeting was called to order at 7:15 p.m.
2. Pledge of Allegiance - All rose to recite the Pledge of Allegiance.

Mr. Madigan announced before the regular meeting was called to order that an Executive Session was held relating to a legal matter. An interview for a vacancy on the Sanitary Authority was also conducted.

3. Public Comment

3a. Highpoint Residents Re: "No Left Turn" Restriction on Eastbound 910 – Mr. Madigan offered the following "opening remarks": This item is regarding the new restricted "No Left Turn" into the Highpoint development. The Township has received a number of emails, mostly relating to the additional travel now required to enter Highpoint coming from I-79 and Route 910. By way of background, this issue was brought to the Board's attention by a concerned individual who gave evidence of a very high number of accidents on Route 910 at the intersection with Highpoint Drive. He raised safety concerns with respect to the North Allegheny School District bus route. Frankly, the numbers of accidents were surprising; 26 in a 22 month period. Route 910 is a state road that intersects with a Township road and with that circumstance, the Township does not control the 910 leg of the intersection. What the Township does when there is a safety concern with a state road in the Township is to request PennDOT to take a look at the situation. Once PennDOT looks at a situation, if it determines that it is a safety issue that requires some type of action, the Township is bound to follow PennDOT's recommendations or directives, which is what happened in this case. PennDOT reviewed the accident statistics, did a physical study of that section of road, and determined that the left hand turn restriction was in order. Several people have since suggested

that the left hand turn restriction be limited to certain hours. That is not a matter within the Township's control, but we will pass that along to PennDOT.

Multiple residents of the Highpoint development approached the Board to voice their issues and concerns with the "No Left Turn" restriction. Their main issues of concerns included: speeding on Route 910 being addressed first, restricting the no left turn during rush hours only, addressing the problems/concerns with Summit Drive such as plowing and salting more often since it is now more heavily traveled, and decreasing the speed limit on Summit Drive. Mr. Madigan indicated that the Township will look at Summit Drive to see what improvements can be made for the Highpoint residents and asked Mr. McFadden to request a town meeting that PennDOT would attend, so people could express their suggestions and concerns to PennDOT directly. Mr. Bragunier indicated the information received from PennDOT will be posted on the website.

4. Consent Agenda - Mr. Madigan indicated the items under the Consent Agenda will be tabled to April 13, 2015.

4a. Minutes

Regular Meeting (March 2, 2015)

Agenda Meeting (March 30, 2015)

4b. Expenditures

Month of March 2015

4c. Announcements

4d. Reports

Police, Police Board Liaison, Firemen, Fire Company Liaison, Public Works Director, Zoning Officer, Building Inspector, O.E.M., Recreation Director, Recreation Liaison, Northland Library Board, MTMSA Liaison, COG Liaison, ACATO, Police Pension Board

4e. Manager's Report

- Northgate Drive Streetscape Program.

5. Engineer's Report

• Bond Status

- RGB North LLC, LOC Reduction Request No. 1 – Mr. Gazdik indicated a reduction request has been received for the Performance bond. The original amount of security is \$48,000.00. The requested reduction is \$29,222.00 leaving a remaining balance of \$18,778.00. Work related to the request has been satisfactorily completed and recommends approval of this request contingent upon the payment of all current fees owed to the Township. Mr. Madigan made a motion to approve the reduction of the LOC by \$29,222.00 leaving a remaining balance of \$18,778.00. Mr. Scavo moved to approve, seconded by Mr. Bragunier; vote in favor was unanimous [4-0].
- Jason Hood, Grading Bond Release Request – Mr. Gazdik indicated this grading project has been completed and inspected and recommends a release in the amount of \$1,700.00 leaving a remaining balance of \$300.00 for Maintenance security for 12 months. This request is contingent upon the payment of all current fees owed to the Township. Mr.

Madigan made a motion to approve the requested release. Mr. Scavo moved to approve, seconded by Mr. Bragunier; vote in favor was unanimous [4-0].

- Memo to Board Regarding 2015 Road Project(s) - Mr. Gazdik indicated that the 2015 Road Project(s) value is \$943,000.00, which is slightly more than the budgeted amount of \$935,000.00. The list goes into specifics on each of the roads that were selected for this years program. Mr. McFadden stated this is a recommended paving program for this year. There are a few alternates contained in the unlikely event that the bids come in higher than budget, we can remove one or two of the alternates. A motion is needed to approve advertisement for bid for the 2015 road program. Mr. Madigan made a motion to advertise the 2015 road program for bid. Mr. Scavo moved to approve, seconded by Mr. Bragunier; vote in favor was unanimous [4-0].

Mr. Madigan reiterated that there is a vacancy on the Sanitary Authority Board created by Mr. Scavo's resignation from that Board. A candidate was interviewed before this evening's meeting. Consensus was that John Harvey was a good candidate. He is a Township resident and is also employed with the West View Water Authority. So, he has expertise in related areas. Mr. McFadden stated a motion is needed to fill the vacated term of Richard Scavo. The term would run thru the year 2016. Mr. Madigan made a motion to appoint Mr. Harvey to the seat vacated by Mr. Scavo for the remainder of that term. Mr. Scavo moved to approve, seconded by Mr. Candek; vote in favor was unanimous [4-0]. Mr. Madigan announced on behalf of the Township and the Board, he thanked Mr. Scavo for his many years of service on the Sanitary Authority.

6. Legal Matters

None.

7. Unfinished Business

7a. Resolution to Approve the Amended and Restated Loan and Security Agreement Between the Marshall Township Municipal Sanitary Authority and the Township of Marshall. Motion to table - Mr. Madigan made a motion to table the resolution to approve the Amended and Restated Loan and Security Agreement Between Marshall Township Municipal Sanitary Authority and the Township of Marshall. Mr. Scavo moved to approve, seconded by Mr. Candek; vote in favor was unanimous [4-0].

8. PLANS

8a. Public Hearing - Thorn Hill Associates; Conditional Use of Use of Hotel, Motel and Hotel-Motel Office Complex in the PIP (Planned Industrial Park) zoning District; Brush Creek and Knob Road; plans dated 7/22/2014; deadline: 4/30/2015 – Mr. Madigan continued the public hearing at 9:08 p.m. for both Conditional Use Applications. Heidi Smith swore in those wishing to testify.

The following is a summary of the hearings. Transcripts of hearings to be provided by Adelman Reporters and placed in file for future reference.

For Conditional Use 14-03 the applicant is seeking conditional use approval to construct four hotels on land located in Thorn Hill Industrial Park. The developer has submitted land development plans and intends to construct the following: Hotel 1, 102-rooms, 2015; Hotel 2, 94-rooms, 2016; Hotel 3, 96-rooms, 2017; and Hotel 4, 100-rooms in 2018. The developer is also proposing to construct 418 parking spaces to accommodate the parking needs on the site. This proposed project is located on Parcels 56 and 63R, along Brush Creek Road, in the Thorn

Hill Industrial Park. The property is located in the Planned Industrial Park (PIP) District. Hotel, Motel and Hotel-Motel Office Complex is a conditional use in the PIP District.

After lengthy discussion regarding the hardships presented relating to the variances and waivers requested by the applicant, it was unanimous amongst the Board that the requested variances and waivers have been created by the applicant in its effort to put four hotels on 8.5 acres of useable space. Discussion also took place regarding the lots within the development. Certain lots had grossly contorted lot lines in order to meet the five acre minimum. In regards to the relief from the disturbance within drip line of the trees 18" in diameter, Mr. Madigan indicated that he understands that there may not be development on this property if the applicant would maintain every tree of that size, but believes it's pretty clear that the reason the applicant has to remove 84 of them, which is every tree of that size outside the conservation district, is in order to put four hotels in. If there were fewer than four hotels, fewer lots, the applicant would not have to remove as many trees of that diameter. Mr. Scavo stated in regard to what these hotels are lacking as far as conference rooms/restaurants, when first proposed, we were given the impression by the developer that this was something to service the industrial park. What was presented by the applicant in addition to recreational facilities were restaurants and conference rooms. The Board has found this to be an attempt to squeeze as much on 8.5 developable acres as the applicant could possible get. The Board does not believe this plan services the industrial park as originally proposed or alluded to.

**Consideration** - Mr. Madigan moved to deny the conditional use because as he understands it, one of their requirements for the conditional use is that the development otherwise complies with all of the other ordinances. The Board has determined this development does not. On that basis, Mr. Madigan moved to deny the conditional use application, seconded by Mr. Scavo; vote in favor was unanimous [4-0].

For Conditional Use 14-06 the applicant is seeking conditional use approval to construct four hotels in an area designated as lying within the Floodplain Overlay District. The developer intends to construct the following: Hotel 1, 102-rooms, 2015; Hotel 2, 94-rooms, 2016; Hotel 3, 96-rooms, 2017; and Hotel 4, 100-rooms in 2018. The developer is also proposing to construct 418 parking spaces to accommodate the parking needs on the site. This proposed project is located on Parcels 56 and 63R, along Brush Creek Road, in the Thorn Hill Industrial Park. The property is located in the Planned Industrial Park (PIP) District. Hotel, Motel and Hotel-Motel Office Complex is a conditional use in the PIP District.

**Consideration** - Mr. Madigan recommended a motion for the application for conditional use to allow development within the floodplain overlay district. Mr. Scavo made a motion to deny, seconded by Mr. Bragunier; vote was [3-1] with Mr. Madigan voting against the motion.

8b. Public Hearing - Thorn Hill Associates; Conditional Use of Development Within the Floodplain Overlay District; Brush Creek and Knob Road; plans dated 11/14/2014; **deadline: 4/30/2015**. - See 8a. for Consideration.

8c. Thorn Hill Associates, LP; Subdivision-Final Plan; Brush Creek and Knob Road, plans dated 7/31/2014; deadline: 4/30/2015 - Mr. Scavo made a motion to deny the Subdivision Plan, seconded by Mr. Candek; vote in favor was unanimous [4-0].

8d. Thorn Hill Associates, LP; Site Plan/Land Development Plan; Brush Creek and Knob Road, plans dated 7/22/2014; deadline: 4/30/2015 - Mr. Madigan indicated the Request for the Waiver from the Requirements of Section 174-603c that there be a 25-foot setback from streams, lakes and wetlands. Mr. Candek moved that the Board deny the Request for the Waiver from the Requirements of Section 174-603c that there be a 25-foot setback from streams, lakes and wetlands, seconded by Mr. Scavo; vote in favor was unanimous [4-0]. Mr. Madigan recommended a motion on the Land Development plan itself. Without the waiver, the only action the Board could take would be to deny. Mr. Scavo made a motion to deny the Land Development application, seconded by Mr. Bragunier; vote in favor was unanimous [4-0].

8e. Public Hearing - Guardian Storage; Conditional Use of Personal Storage Facility in the RRTP (Residential, Research and Technology Park) zoning district; 922 Brush Creek Road; plans dated 2/09/2015; deadline: 4/13/2015 – Mr. Madigan opened the public hearing at 10:50 p.m. Heidi Smith swore in those wishing to testify. Mr. Lucas noted for record the Township zoning ordinance and map, subdivision ordinance, the application for the conditional use, and related attached materials, application for the land development and attached materials, as well as all correspondence back and forth with Township Staff regarding the two applications.

The following is a summary of the hearings. Transcripts of hearings to be provided by Adelman Reporters and placed in file for future reference.

Ms. Zimsky stated the Applicant is seeking conditional use approval to construct a fourth storage building at Guardian Storage located on Brush Creek Road in the Planned Industrial Park (PIP) Zoning District. The proposed building is three stories and 33,000 SF in size. Access will be from the first floor with elevator and stair access to the second and third floors. Personal Storage facilities are a conditional use in the PIP District. The plans are in great shape and the use is an existing use. Discussion took place regarding the steepness of the slope and whether or not the landscape planting will thrive. Mr. Gazdik responded there will be requirements relative to maintenance for a period of time, until it is established. Mr. Madigan indicated we have not had good luck with planting on 2-1 slopes on a number of occasions. Mr. McFadden suggested a 2-year maintenance bond on the landscape planting rather than the normal 1-year maintenance on the plantings to make sure plantings take and are acceptable. There was no public comment. Mr. Madigan closed the public hearing at 11:06 p.m.

**Consideration** - Mr. Madigan recommended a motion to approve the conditional use application. Mr. Scavo made a motion to approve subject to any conditions that may have been imposed on the original conditional use; imposing a 2-year maintenance on the landscaping; and any outstanding conditions outlined in Ms. Zimsky's memo dated April 2, 2015, seconded by Mr. Bragunier; vote in favor was unanimous [4-0].

8f. Guardian Storage; Site Plan/Land Development Plan; 922 Brush Creek Road; plans dated 2/09/2015; deadline: 6/01/2015 – Mr. Madigan stated we addressed the issue of extending the maintenance period by an additional year. Ms. Zimsky indicated there are no issues with the plan. The applicant is even putting in the sidewalks. This plan was before the Planning Commission on March 3, 2015 and they voted unanimously to recommended approval. Mr. Madigan made a motion to approve the site development plan subject to satisfaction of the conditions noted in Mr. Gazdik and Ms. Zimsky's memos of April 2, 2015 and the extension of the maintenance of the landscaping plan from one year to two years. Mr. Scavo moved to approve, seconded by Mr. Bragunier; vote in favor was unanimous [4-0]

8g. Lewis E. Etter Trust Subdivision; Subdivision-Final Plan; Perry Hwy, Warrendale Bayne Road and Harmony Road; plans dated 2/5/2015; deadline: 6/01/2015 – Ms. Zimsky stated this is a straightforward subdivision located on Warrendale Bayne Road and Harmony Drive. The applicant is taking 8 parcels and consolidating and re-subdividing into two parcels. This was before the Planning Commission on March 3, 2015. They voted unanimously to recommend approval. Ms. Zimsky and Mr. Gazdik prepared a joint memo dated April 2, 2015. They had one comment and that was regarding a MTMSA easement that needs to be designated and actually written on the plan as an MTMSA easement. Ms. Zimsky pointed out to the Board that there is an existing house and two existing structures noted on their plans. The applicant intends to raze the two structures. Ms. Zimsky We would request that in the Board's motion that they indicate there be a condition that those two structures indicated to be razed are razed before the subdivision is released for recording. Julia Morrison approached the Board and indicated she did not have a problem with the condition of the two buildings being razed prior to recording the plan. Mr. Madigan made a motion to approve subject to the satisfaction of the conditions noted in the joint memo Mr. Gazdik and Ms. Zimsky prepared dated April 2, 2015 and that two of the three buildings as indicated on the plan to be razed prior to recording the plan. Mr. Scavo moved to approve, seconded by Mr. Bragunier; vote in favor was unanimous [4-0].

8h. Village at Marshall Ridge, Lot 20 Revised; Subdivision-Final Plan; Edison Drive; plans dated 1/27/2015; deadline 5/04/2015 – Ms. Zimsky stated this is a fast track approval, a subdivision along the party walls. Ms. Zimsky and Mr. Gazdik prepared a joint memo dated April 2, 2015. There were no comments. Mr. Scavo made a motion to approve the Village at Marshall Ridge Lot 20 Revised, subject to comments in Staff's memo dated April 2, 2015, seconded by Mr. Bragunier; vote in favor was unanimous [4-0].

9. New Business

9a. Resolution for Sewage Facilities Planning Module Approvals for DiPietro Property (Fairmont Square) – Mr. Madigan made a motion to approve Chairman's signature on Resolution 877. Mr. Bragunier moved to approve, seconded by Mr. Scavo; vote in favor was unanimous [4-0].

9b. PIRMA Intergovernmental Contract Renewal. Motion to Authorize Chairman's Signature – Mr. McFadden stated this is an existing contract the Township has with PIRMA. Some of the regulations have been rewritten because it had been a while since it had legal review. This was before the Sanitary Authority and they approved it for their contract. It has been reviewed by our legal staff as well and it is good to go. Mr. Scavo made a motion to authorize Chairman's signature on the PIRMA Intergovernmental Contract Renewal, seconded by Mr. Bragunier; vote in favor was unanimous [4-0].

10. Correspondence

10a. Letter received from Todd Kravits, P.E., District Traffic Engineer PennDOT District 11 regarding posting of "No Left Turn" restriction, 910 onto Highpoint Drive.

10b. The Township received from John Weinstein, Allegheny County Treasurer, the listing of the 2015 municipal millage rates and Mr. McFadden is proud to report that Marshall Township is the 4<sup>th</sup> lowest in the County.

Mr. McFadden indicated a continued meeting is scheduled for next Monday, April 13, 2015. The purpose of this meeting is to review the Altmyer Park proposed master plan.

ADJOURN

Since there was no further business to come before the Board, at 11:22 p.m., the meeting adjourned. Motion by Mr. Bragunier, seconded by Mr. Candek; vote in favor was unanimous [4-0].

Respectfully submitted,

Sheryl Snyder