

**Marshall Township
Planning Commission**

**525 Pleasant Hill Road
Wexford, PA 15090**

May 18, 2015 - 7:00 PM

Present: Jeff Davison, Larry Payne, Ron Baling, Elaine Hatfield,
Todd Shaffer, Bob Edwards

Absent: Kim Herbert

Planning Director/

Zoning Officer: Nicole Zimsky (not present)

Engineer: Art Gazdik

Secretary: Sandy Bauer

Solicitor: Blaine Lucas (not present)

Others:

Mr. Davison called the meeting to order at 7:04 p.m.

MINUTES

- ❖ Approval of the May 5, 2015 Meeting Minutes.

Mr. Edwards requested a correction. In regard to The Keiser Plan; SUB-FIN 15-08, Mr. Edwards did not abstain. The motion was carried unanimously.

Mr. Edwards moved to approve the May 5, 2015 Meeting Minutes. Ms. Hatfield seconded approval. Mr. Davison and Mr. Payne abstained. (4-0-2)

PLAN(s)

- ❖ Thorn Hill Hotel Complex REVISED; SUB-FIN 15-10; Brush Creek and Knob Road, plans dated 4/14/2015; **deadline: 8/3/2015**
- ❖ Thorn Hill Associates, LP; SP(LD)15-04; Brush Creek and Knob Road, plans dated 4/14/2015; **deadline: 8/3/2015**

Greg Banner of Key Environmental introduced a revised plan which has eliminated Hotel Three. There is no flag at this time. Neither Mr. Banner nor Thorn Hill Associates wants to provide information for Hotel Three because they do not want the flag stolen. They still intend to subdivide the land into three lots as originally shown, but have truncated the development. The stormwater basin will remain unchanged as well. They have revised the tree plan and landscape plan to impact a lesser number of trees. Sanitary

sewage will still be brought in from the south extending northward. Revised plan stays 25 ft. away from any wetlands with one exception. Mr. Banner will request a waiver from the Board of Supervisors to place a riprap apron within the 25 ft. offset. If it is not placed within this space, there will be an area of earth that is subject to erosion. There is no plan at this time to put in the southern entrance. They will upgrade Brush Creek Road in conjunction with the development of Hotel Two as recommended by Trans Associates. This plan adds a grading and access easement within Lot 3. Mr. Shaffer stated his concerns that the paving of Lots 1 and 2 spill onto area of the previously proposed Hotel Three. Mr. Shaffer stated that it would have made sense to move the property line and wrap the paved area. Mr. Banner agreed to redo the property line to bring it back when Hotel Three is approved. Art agrees that Mr. Banner should move the line now and move it back later. Mr. Davison agrees. Discussion regarding hotel specifications took place.

Mr. Gazdik stated his comments regarding land development.

General

1. The Developer shall address all outstanding comments contained in the Planning Directors review letter(s).
2. Final location(s) of required fire lanes and fire hydrants must be approved by the Township Fire Marshall, 174-503.H.
3. The Developer shall address all comments and recommendation contained in the Trans Associates review letter(s) or the report(s) that Trans Associates prepared for the developer. The Trans Associates Traffic Impact should be revised to reflect the revised land development plan.

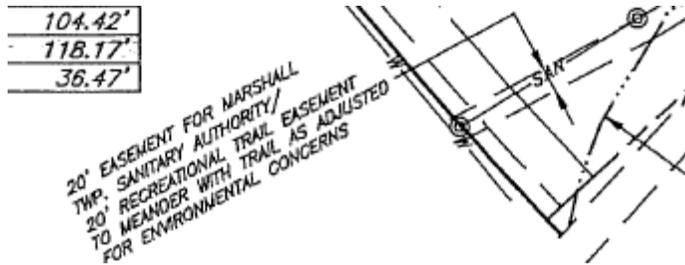
Sanitary Sewer

4. The sanitary sewer extension plan should be revised so that no existing sanitary sewer line will be replaced. The line is currently active and handles all flow from the Keystone Summit Office Park. The sanitary easement should also be revised as needed on the Recording Plan.
5. The sanitary sewer construction details should be revised using the MTMSA Standard Details.

Subdivision and Land Development (174)

6. Guide Rail should be shown on the plan where roads or parking areas abut steep slopes or the tops of retaining walls, 174-503.G.
7. The Existing Conditions Plan should show that the existing sanitary sewer crosses Brush Creek Road toward Ericsson Drive, 174-506.
8. An approved sewage facilities planning module shall be provided, 174-207.B.9.b.

9. All existing and proposed easements should be shown on Recording Plan Sheet 3 Of 4., 174-207.10. The Recording Plan should reference the Conservation Easement as, DB Volume 15831, Page 365. Also, the note, as shown below (SW corner of Lot 3), as provided in the Conservation Easement exhibit, should be added to the Recording Plan and Pedestrian Access Plan, 174-207.10.



10. Ingress Egress, grading and shared facilities agreements to provide; access through and use of common facilities on abutting lots, and to provide for the shared maintenance of facilities, such as the proposed dumpster location to be shared by Lot 1 and Lot 2, shall be provided for the review and approval of Staff and the Township Solicitor, 174-207.10.
11. Provide an Allegheny County HOP Permit for the entrance road and the proposed improvements to Brush Creek Road, 174-205.B.10.
12. The sidewalk located along the frontage along Brush Creek Road is shown as straight and not meandering. Given the proposed geometry this sidewalk should be a 5' width concrete walk, 174-503.I.(c). A 6' width asphalt sidewalk would require an Modification from the Board of Supervisors. If an asphalt sidewalk is to be considered it should be designed to meander through the 50' buffer to preserve trees, 208-2003.F. If the asphalt walk is approved the recording plan would also need to be revised to reflect the revised location of the meandering sidewalk, 174-503.I.2(b).

Mr. Banner explained that the sidewalk will meander through site. Mr. Banner stated that they did not do a tree survey. He would like to stake the location of the trail and modify the plan to show the location of the 15 ft. easement. Mr. Shaffer asked will it be part of the trail system? Mr. Gazdik explained that it will be a sidewalk owned by the hotel that is termed a pedestrian easement. Mr. Shaffer explained that the ordinance states that the sidewalk needs to be concrete unless there are grading issues and asked are we setting a precedent? Mr. Gazdik stated that it has been done in the past. Mr. Banner stated that he has completed an application for a modification request. Mr. Payne asked who will connect the sidewalk to the trail system? Mr. Gazdik stated that Marshall Township will extend the trail, at least temporarily, to the sidewalk. Mr. Payne asked will it cross over Brush Creek Rd. at Knob Road? Mr. Gazdik explained that there is a crosswalk that will tie into the trail system.

13. It is understood that no facilities that are proposed are to be dedicated to the Township.

Zoning (208)

14. It is recommended that the Phase 1 plan include the pedestrian connections needed to provide for a "temporary trail connection" to the existing Township Trail System, 208-1509. The Township Recreation Director, Heather Jerry has indicated that the Township would provide the funds to make the proposed temporary connection from the existing limestone trail along Brush Creek to the proposed sidewalk that the Developer has proposed along Brush Creek Road. In addition Ms. Jerry would like to discuss having the Developer allow the continued use of the existing driveway and unimproved parking area, located at the south end of the site, until such time as Lot 3 is developed. The Developer has indicated that they are agreeable to this, if an appropriate access easement would be drafted by the Township that includes liability considerations to protect the Developer.

Grading (88)

15. A design report and detailed engineering plans for the proposed retaining walls of a height greater than five (5') feet will be required, as per 88-13.A.(2).
16. A Grading Permit and Grading Permit Agreement, is required prior to proceeding with work, as per 88-17.

Stormwater Management (165)

17. An access easement from the parking area along the Basin Access Road shall be provided on the Recording Plan, as per 165-107.3.B.
18. The O&M Plan shall be amended to provide for the specific maintenance responsibilities of each lot owner and define how costs of management, maintenance, reconstruction and repair would be shared by each lot owner, as per 165-107.
19. The proposed detention facility will be privately owned and will require a Stormwater Management Agreement, as per 165-107.4.

Ms. Zimsky's comments regarding land development were read by Mr. Gazdik.

1. SP(LD)15-04: Thorn Hill Associates A – Land Development Application:

The applicant is seeking land development approval to construct the following: Hotel 1, 102-rooms and Hotel 2, 94-rooms. The developer is also proposing to construct 208 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 and is a conditional use in the PIP District.

II. Land Development Review Comments:

1. **Section 174-205.B.9.(s).** Location, width, bearings, and purpose of existing and proposed easements and utility rights-of-way.

COMMENT: The plans need to show bearings and distances for all easements, existing and proposed, on the property. It looks like this information still needs to be provided for the drainage easements, the sanitary/recreational trail easements, and the Penn Power easement on the property. A grading easement need to be provided on Lot 3.

2. **Section 174-205.B.18.** Final location of fire hydrants and fire lanes.

COMMENT: The Fire Marshal is completing his review.

3. **Section 174-205.B.20.** Copies of deed restriction, covenants and condominium documents to be imposed upon the use of land, buildings and structures. Said covenants, deed restrictions and condominium documents shall be subject to the review and approval of the Township Solicitor.

COMMENT: Several agreements need to be put in place for this development to occur, including, but not limited to, access, parking, garbage, stormwater, and landscaping. Please get these agreements to the Township so that the Solicitor can begin the review of the documents.

4. **Section 174-603.C.** No disturbance is permissible within 25 feet of the edge of any flowing stream, lake, or wetland.

COMMENT: The proposed development/disturbance is located within 25 feet of wetlands. The Applicant is seeking a modification from this requirement.

III. **Zoning Ordinance Comments:**

1. **Section 208-2204.A.** No excavation or other subsurface disturbance may be undertaken within the dripline of any tree eighteen (18) inches in diameter or more, and no impervious surface (including, but not limited to paving or buildings) may be located within twelve and one-half (12 ^{1/2}) feet (measured from the center of the trunk) of any tree eighteen (18) inches in diameter or more unless compliance with this subsection would unreasonably burden the development.

COMMENT: How many trees with a DBH larger than 18" in diameter are proposed to be disturbed? Please be prepared to provide justification for this impact to the Board of Supervisors.

IV. **Additional Comments:**

1. Please place all details on the detail sheet in the plans.

2. Traffic impact fees will be due at the time of building permit. Trans has provided a revised Traffic Impact Fee calculation. It is as follows: Hotel 1 - \$108,092 and Hotel 2 - \$101,004.

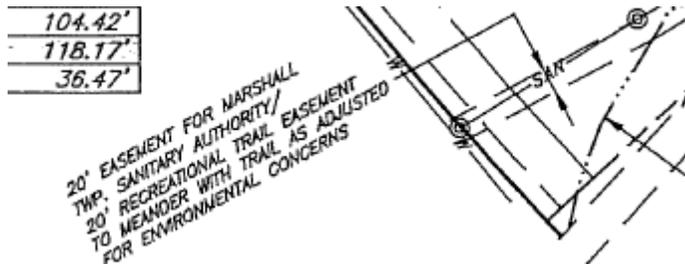
Mr. Gazdik read his comment letter regarding the subdivision.

General

1. The Developer shall address all outstanding comments contained in the Planning Directors review letter(s).

Subdivision and Land Development (174)

2. An approved sewage facilities planning module shall be provided, 174-207.B.9.b.
3. The proposed property corners will have to be set as a condition of plan approval, as per 174-207.B.1., and 174-508.
4. Metes and bounds should be shown on all existing and proposed MTMSA Easements, 174-207.10.
5. All existing and proposed easements should be shown on Recording Plan Sheet 3 Of 4., 174-207.10. The Recording Plan should reference the Conservation Easement as, DB Volume 15831, Page 365. Also, the note, as shown below (SW corner of Lot 3), as provided in the Conservation Easement exhibit, should be added to the Recording Plan and Pedestrian Access Plan, 174-207.10.



6. The sidewalk located along the frontage along Brush Creek Road is shown as straight and not meandering. Given the proposed geometry this sidewalk should be a 5' width concrete walk, 174-503.I.(c). A 6' width asphalt sidewalk would require an Modification from the Board of Supervisors. If an asphalt sidewalk is to be considered it should be designed to meander through the 50' buffer to preserve trees, 208-2003.F. If the asphalt walk is approved the recording plan would also need to be revised to reflect the revised location of the meandering sidewalk, 174-503.I.2(b).

Stormwater Management (165)

7. An access easement from the parking area along the Basin Access Road shall be provided on the Recording Plan, as per 165-107.3.B.

Mr. Gazdik read Ms. Zimsky's comments regarding the subdivision.

I. **SUB-FIN 15-10: Thorn Hill Hotel Complex – Subdivision Plan:**

This plan involves the consolidation of two properties and then the re-subdivision of the parcel into three (3) lots. The property, zoned Planned Industrial Park (PIP), is located on Brush Creek Road in the Thorn Hill Industrial Park. The developer has submitted land development plans and intends to construct the following: Hotel 1, 102-rooms and Hotel 2, 94-rooms.

II. **Subdivision Review Comments**

1. **Section 174-206.B.23.** Location, width, bearings and purpose of existing and proposed easements and utility rights-of-way.

COMMENT: The plans need to show bearings and distances for all easements, existing and proposed, on the property. It looks like this information still needs to be provided for the drainage easements, the sanitary/recreational trail easements, and the Penn Power easement on the property. A grading easement will need to be provided on Proposed Lot 3.

2. **Section 174-207.B.11.** Copies of other deed restrictions, condominium documents or covenants to be imposed upon the use of land buildings and structures. Such covenants, deed restrictions, or condominium documents shall be reviewed and approved by the township Solicitor.

COMMENT: Several agreements need to be drafted, approved and recorded to support this plan, including: Stormwater agreement, shared access agreements, shared parking agreements, maintenance agreement for parking and access areas, and landscaping. After discussions with the developer and Township Solicitor there may be additional agreements needed.

III. **Additional Comments**

- ❖ Thorn Hill Associates; CU 05-02; Brush Creek and Knob Road; plans dated 4/14/2015; **deadline: 6/12/2015**

Mr. Gazdik read Ms. Zimsky's comments regarding the conditional use.

I. **CU # 15-02: Thorn Hill Hotel Complex REVISED Conditional Use Application – Hotel, Motel and Hotel-Office Complex and Recreation Facility.**

The applicant is seeking conditional use approval to operate construct the developer has submitted land development plans and intends to construct the following: Hotel 1, 102-rooms and Hotel 2, 94-rooms. The developer is also proposing to construct 208 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 and is a conditional use in the PIP District.

There are both a subdivision and a land development application that were filed with this conditional use application that will also be discussed. Please review those letters.

The Applicant has submitted the required standards for review; please see attached.

Mr. Banner stated that 46 trees of 18" or greater will be impacted. Mr. Banner stated that if the ordinance is obeyed, they wouldn't be able to develop and that the ordinance causes the developer undue hardship. Mr. Shaffer asked for it to be written into the agreement that only trees of 6 inch diameter or greater be avoided as opposed to merely saplings. Mr. Payne requested that they use stamped asphalt at the entrance of the campus as opposed to painted surfaces. Mr. Banner agreed. Mr. Banner also agreed to using a brick veneer on the surface of the trash enclosure.

Recommendations

Mr. Edwards stated his interest in procuring assurances as to the quality of the Hotel Three and his desire for a requirement in terms of Planning Commission recommendation to the Board of Supervisors, of an upper mid-scale quality rating. Mr. Banner said that architectural specifications can be agreed to. Ms. Chelsea Dice, Lawyer at Bruce E. Dice & Associates, PC, stated that Marshall Township does not have the right to stipulate ratings. Mr. Edwards stated that he doesn't feel confident in a plan which has changed so frequently and dramatically. Mr. Davison reiterated the need to move the property line and deemed the modification of the 25 ft encroachment. Mr. Shaffer would like to verify the timing of road improvements. Mr. Davison stated that he would like to see a modification to phased traffic improvements. Mr. Davison wants road improvements to take place at very beginning. Mr. Banner stated that he is following Trans Associates recommendations. Mr. Shaffer would like the Planning Commission recommendation for approval of the conditional use application to reflect solely the development of Lots 1 and 2. Mr. Gazdik recommended stipulating that they not use a painted block on the trash enclosure and instead use split face block of a color to match the hotel. Additionally, he recommended requiring stamped asphalt crosswalk for improved aesthetic.

Ms. Shaffer moved to recommend approval of the subdivision application, subject to staff comments, and subject to the lot line between Lots 2 and 3 being moved so that Lot 2 will include the parking and grading that is indicated on Lot 3. Ms. Hatfield seconded the motion. Vote in favor was unanimous. [6-0]

Mr. Shaffer moved to recommend approval of the land development application, subject to staff comments, and comments made by Mr. Payne regarding the pavement striping and trash enclosure making both comprised of maintenance free materials. Mr. Payne seconded the motion. Vote in favor was unanimous. [6-0]

Ms. Hatfield moved to recommend approval of the conditional use application, subject to staff comments, and with stipulations that the amount of acreage is changed to reflect only that contained in Lots 1 and 2 and that the hotels be not less than upper-mid scale on the star rating scale. Mr. Davison seconded. Vote in favor was unanimous. [6-0]

ADJOURN

Since there was no further business to come before the Commission at 8:18 p.m., Ms. Hatfield moved to adjourn the meeting. Mr. Shaffer seconded the motion. Vote in favor of the motion was unanimous.

Respectfully submitted,

Sandy Bauer
Receptionist