

**Marshall Township
Planning Commission**

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

May 3, 2016 - 7:00 PM

Present: Larry Payne, Elaine Hatfield, Jeff Davison, David Pampena and Ron Baling

Absent: Kim Herbert, and Todd Shaffer

Planning Director/

Zoning Officer: Nicole Zimsky

Engineer: Art Gazdik

Secretary: Sandy Bauer

Solicitor: Blaine Lucas (not present)

Others: Mitchell Thompson, David Hager, Rick Avon, Emil Parent and Kate Pompa

Mr. Davison called the meeting to order at 7:03 p.m.

MINUTES

Approval of the April 18, 2016 Meeting Minutes.

Mr. Payne moved to approve the minutes. Ms. Hatfield seconded. Mr. Davison and Mr. Pampena abstained. The motion was passed.

PLAN(s)

- ❖ Marshall Village; SP(LD)16-05; Fowler Road and Maple Drive., plans dated 4/12/2016; **deadline: 7/18/2016**

Mitchell Thompson with PVE Sheffler presented the plan. He described the location of the site and its various constraints. These constraints will result in several variance requests. Ms. Hatfield asked if there were tenants who have committed to the site. Mr. Thompson replied that "House of a Thousand Beers" was the only tenant thus far. Mr. Davison asked Ms. Zimsky to elaborate on how this plan relates to retail versus restaurant use. Mr. Thompson stated that even if the business is considered a restaurant, the plans show more than enough spaces to satisfy the ordinance. Discussion ensued regarding mixed uses in a building and how this can oftentimes cause parking issues. Aviva Brick Oven was cited as an example of this. Ms. Zimsky stated that the plan does meet the minimum requirements of the

ordinance. However, when mixed uses are presented, she does question whether they are compatible. She notes that it is the developer's responsibility to choose wisely with regard to their tenants. Finally, she expressed that there is nothing more that she can do to influence these choices. Ms. Zimsky spoke to the possibility of adding on-street parking as well. Mr. Davison reiterated his concern for mixed use properties and the parking issues that may follow. Mr. Pampena voiced concern about traffic flow/volume and the logistics of the intersection of Rt. 19 and Maple Dr. He stated that the in-and-out nature of a take-out beer shop will have a negative impact on traffic coming onto and getting off of Rt. 19. Ms. Zimsky stated that the developer is doing a traffic impact study that will go to the Township Traffic Engineer for examination. Ms. Zimsky described future plans for improvements to the intersection of Shenot Rd. and Rt. 19.

Ms. Zimsky read her letters.

I. **SP(LD)16-05: Marshall Village – Land Development Application:**

The applicant is seeking land development approval to construct a 13, 600 SF retail center at 110 Northgate Drive. The property sits next to Labriola's Italian Market and will be accessed by Fowler Road. The property is zoned Route 19 Boulevard (RB) and is located in the Corridor Enhancement Overlay District.

II. **Land Development Review Comments:**

1. **Section 174-205.B.9.(j).** Water service. If water is to be provided by means than by the individual owners of lots within the land development, the developer shall present evidence that the land development is to be supplied by a certificated public utility, a bona fide cooperative association of lot owners or by a municipal corporation, authority or utility.

COMMENT: Please provide a letter from West View Water Authority stating that they have the capacity to serve the project.

Section 174-205.B. 9.(k). Sanitary Sewage Facilities. All land developments shall be provided with sanitary sewage facilities which are in accordance with the municipal sewage facilities plans and which have been approved by the Allegheny County Health Department, the PADEP, the township and the Marshall Township Municipal Sanitary Authority or other applicable sewer authority which serves the Township.

COMMENT: A Planning Module needs to be approved.

2. **Section 174-205.B.9.(m).** Location of bordering streets and existing and approved access points.

COMMENT: Please consider donating Right-of-way for Fowler Road. The minimum setback in the district for property abutting a township Road is a minimum of 10' and a maximum of 25'. 10' of Right-of-way could be dedicated to the Township and it would still keep the building within the required setback.

Note: Mr. Gazdik explained in greater detail the potential benefits to both the Township and the developer should this take place. Mr. Hager explained that he didn't see the need for a subdivision or dedication. Mr. Gazdik reiterated that there is a need for conversation regarding this issue. Mr. Hager committed to working with the Township to clean up any discrepancies on the plan.

3. **Section 174-205.B.9.(p).** A table (with computations) estimating the impervious surface ratio.

COMMENT: Please provide a table estimating the impervious surface.

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

COMMENT: Please provide this information for any easements and/or utility rights-of-way on the property.

5. **Section 174-205.B.10.** A list of relevant permits, approvals or certificates required by Federal, State, county, or local governmental authorities. Following receipt of said list the township will indicate which permits, approvals or certificates must be obtained prior to development approval by the township.

COMMENT: Please provide this information.

6. **Section 174-205.B.14.(d).** As part of the Township Code of Ordinance Chapter 101, Impact Fee, a Transportation Capital Improvements Plan (including amendments) has been adopted. Future transportation capital improvements included in the plan pertinent to the TIS shall be identified.

COMEMNT: Please submit your calculation for PM Peak Hour Trips so that Trans Associates can verify the number and determine the Traffic Impact Fee.

7. **Section 174-205.B.16.** Proof of compliance with performance standards as contained in Article 2300 of the zoning ordinance by submission of a certificate of a registered architect or engineer.

COMMENT: Please provide this information.

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

COMMENT: Is the area denoted as “wet/swampy area” a wetland? If so, it will need to be denoted as such and as the proposed development/disturbance is located within 25 feet of the area the Applicant will need to seek a modification from this requirement.

III. **Zoning Ordinance Comments:**

1. **Section 208-1002.B.6.** Corridor Enhancements Overlay District §208-1506. Tree Protection.

COMMENT: Tree protection standards apply to this development. Please review Section 208-1506 and add the required information to the plans.

2. **Section 208-1005.A.1.(a).** Wetlands shall be preserved at one-hundred (100) percent and remain undisturbed and set-aside outside the buildable lot area for protection.

COMMENT: Is the area denoted on the plans as “wet/swampy area” a wetland? If so, it will need to be marked as such and cannot be impacted by the development.

3. **Section 208-1005.A.1.(c).** Not more than twenty (20) percent of the total area of all steep slopes 25% or greater shall be disturbed.

COMMENT: Please provide a table on Sheet C-201 which shows the area of slopes 25% and greater and the amount proposed to be impacted by the development.

4. **Section 208-1005.A.1.(d).** Not more than sixty (60) percent of the total area of all steep slopes 15% to 25% or greater shall be disturbed.

COMMENT: Please provide a table on Sheet C-201 which shows the area of slopes 15% to 25% and the amount proposed to be impacted by the development.

5. **Section 208-1005.B.2.** Sixty percent of the horizontal length of the structure facing the street shall incorporate windows between three feet and eight feet in height above the sidewalk grade.

COMMENT: The building elevations show that the rear of the building, facing Fowler Road, does not meet this requirement.

6. **Section 208-1005.B.3.** Surface treatments to create visual interest such as cornices, brackets, window and door moldings and details, recesses, projections, awnings, porches, steps, decorative finish materials and other architectural articulation shall be required along façade facing a public street.

COMMENT: The building elevations show that the rear of the building, facing Fowler Road, does not meet this requirement.

7. **Section 208-1005.C.1.** Off-street parking areas shall not be permitted to be located between the public street and any principal building.

COMMENT: There is parking proposed between one of the building and Route 19/Northgate Drive ramp. The Applicant will need to seek a variance from this requirement.

8. **Section 208-1005.D. 3.(a) and (b).** Street lights shall be a maximum of fifteen feet in height on Township streets and be spaced one hundred feet on center unless a lighting plan shows an acceptable alternative. Street lights to be located along Route 19 shall be a maximum of fifteen (15) feet in height and spaced one hundred sixty (160) feet on center and staggered, unless a lighting plan shown an acceptable alternative.

COMMENT: Streetlights are required along Fowler Road and should be spaced every one hundred feet and staggered from the lights on the other side of Fowler Road. Please check the spacing of the lights on the Route 19 side of the plan and note that the street lights are to be placed along the entire frontage, and should therefore be placed along the Northgate ramp to your property line in front of Labriola's. For your information the Township street light is not required to be installed in your parking area. You are permitted to place another light standard in the parking area. It will need to be a full cut-off fixture.

9. **Section 208-1005.E.1.(a).** ... Sidewalks shall measure a minimum of five (5) feet in width and connect to the lot line of the adjacent parcel.

COMMENT: Sidewalks are not shown running property line to property line. There is/will be a sidewalk on Route 19 at Fairmont Square and a connection will need to be made with that sidewalk. If sidewalks are not going to be constructed as require by the zoning ordinance, the Applicant to seek a variance from the Zoning Hearing Board and a fee-in-lieu of construction will be assessed.

10. **Section 208-1005.H.1.** All building mechanical systems such as air conditioning units, exhaust systems, satellite dishes, fire escapes, elevator housing, and other similar elements (including dumpsters) shall be integrated into the overall design of the building and screened from view.

COMMENT: Where will the building mechanicals be placed and how will they be screened?

IV. Additional Comments:

1. Sheets 800, 801 and 802 are missing from the plans.
2. How are deliveries going to be handled? An auto-turn analysis needs to be performed to ensure that trucks can maneuver the parking lot.
3. I believe the 10' setback line is incorrectly marked by Fowler Road.
4. It is my understanding that House of 1000 Beers will also be a restaurant. Restaurants have a different parking requirement than retail. Please provide information on the number of seats for the restaurant (including any outdoor seating) and add that information to the table on Sheet C-300 so we can determine if there is the required number of parking spaces.

Mr. Davison asked how many variances they will need to seek. Ms. Zimsky stated that she believes perhaps 6 and 1 modification. Ms. Zimsky made a suggestion to connect the sidewalk in another location so as to avoid a variance request. There was some discussion regarding several options to connect their sidewalk to that of Fairmont Square. Both Ms. Zimsky and Mr. Gazdik reiterated how important it is to achieve connectivity with regard to sidewalks throughout the Township.

Mr. Gazdik read his letters.

General

1. The Developer shall address all outstanding comments contained in the Planning Directors review letter(s).
2. Final locations of required fire lanes and fire hydrants must be approved by the Township Fire Marshall, 174-503.H.

Grading (88)

1. There are proposed slopes of 2:1 (H:V). Where cut or fill slopes exceed 3:1 (H:V), a written statement and a slope stability report from a registered professional engineer (Engineer) experienced in geotechnical engineering is required. The statement and report shall indicate the proposed grading has been reviewed, inspected and evaluated by the Engineer and that the slopes and retaining structures specified on the plans shall not result in increased risk or injury to persons or damage to adjacent property or receiving streams from erosion and sedimentation, or landslides, as per 88-13 and 88-14.
2. A Grading Permit and Grading Permit Agreement, is required prior to proceeding with work, as per 88-17.

3. An NPDES construction discharge permit for the site will be required prior to permit issuance, as per 88-15.

Subdivision and Land Development (174)

1. Show property lines on grading plans and existing easements on all plans submitted, 174-302.E.(a).
2. Provide a wetland delineation report for the property, 174-302.C.3.
3. The existing conditions plan provided is for the time period prior to the improvements made by the Fairmont Square Land Development and should be labeled as such. This plan is useful in providing the historic context and illustrating the original location of Fowler Road before it was redesigned. An additional existing conditions plans showing all current conditions topography, sidewalks, ADA ramp locations and utility locations that exist at this time should be added to the plan set, 174-302.C. Future improvements required for the Fairmont Square Plan that are not yet installed should also be noted. Also, the extent of PennDOT right-of way should be shown on the plans.
4. Provide assurance that the driveway sight distance is in conformance with section 174-405.K.
5. Guide Rail should be shown on the plan where roads or parking areas abut steep slopes, 174-503.G.
6. The ordinance requires that if a property is subdivided that addition right of way be provided so that a distance of 25' feet from the centerline of the existing right of way to the property boundary is provided, 174-404.E. It is recommended that in this case that the developer consider the dedication of right-of way to address the nonconforming nature of the property. This would apply to the frontages along Fowler Road, the SR 19 off ramp and Northgate Road / Maple Drive. A subdivision recording plan should be prepared for this purpose.
7. The Developer is to request all Modifications in writing. The request for Modifications shall fully state the reasons and grounds for why the provision is unreasonable or a hardship imposed, and discuss the minimum modification necessary, 174-201.D.
8. It is understood that no facilities are proposed to be dedicated to the Township.
9. An approved sewage facilities planning module is required, 174-207.B.9.b.
10. The plan should clearly show the limit of PennDOT SR 19 right-of-way, 174-302.
11. Is the sanitary sewer extension proposed should be submitted to Bill Campbell the MTMSA Manager for review, 174-207. Is the proposed sanitary sewer to be private? Is any of the sanitary sewer located within PennDOT right-of-way? Is a boring proposed? Is a ramp closure required? It is anticipated that PennDOT may require an HOP Permit or approved traffic control plan for this work. Approvals from PennDOT shall be required prior to the sanitary sewer extension being initiated, 174-205.B.11.

12. Provide Datum and benchmark locations on the plans, 174-205.B.h.
13. Set proposed perimeter monuments shown on the plan(s), 174-207.B.1., and 174-508.
14. Profiles for the entrance road should be provided, 174-404.C.3(c)(i).
15. The ADA Access Ramps should be provided on the Fowler Road sidewalk at the driveway entrance, 174-503.I.2(b).

Stormwater Management (165)

16. On page six (6) of the Post Construction Stormwater Management (PCSM) Report it indicates that the area for DA-2 is 2.39 acres and that the CN for meadow is 78. This should be revised, 165-106.
17. On page five (5) of the PCSM Report it references the use of the design storms from the Borough of Oakdale Ordinance. These design storm events are more conservative than those in the Marshall Ordinance and may be used, but the report should be amended to reference their use and provide the compare design storms values from the Marshall Ordinance or be revised using the Marshall Ordinance values, 165-106.
18. The proposed water quality and storm water detention facilities will be privately owned and will require a Stormwater Management Agreement, as per 165-107.4.
19. A stream buffer of fifteen (15') from each side of the stream /drainage centerline should be shown on the plans. 165-106.5.B. The area within the stream buffer is to be undisturbed.
20. A buffer of twenty five (25') is required around the wetland area noted on the plans, 165-106.5.D. The area within the buffer is to be undisturbed.
21. Design elevations for all SWM facilities should be shown on the plans. For example the SW Facility #3 Retention Basin should provide the elevation of the subgrade, underdrain, overflow invert, overflow, and crest elevation; and available storage and maximum water depth, 165-106.
22. Is the existing inlet where proposed Storm MH 4 is tied into a PennDOT owned facility? If it is PennDOT facility an HOP Permit shall be required, 174-205.B.11.

Mr. Hager explained that all of the Staff comments had been noted and replied to in writing. Staff had not had an opportunity to review the responses; however, Mr. Hager wanted the Planning Commission to know that they were addressed. Mr. Davison stated that there were many items that were not addressed and questioned the Commission and Staff as to whether they felt comfortable recommending approval. Ms. Zimsky said that she had not examined the revised plans/sheets yet and suggested tabling the plan and reconvening on May 16th. Mr. Gazdik requested a subdivision plan be submitted as well. John Watson of Fourth River Development, requested to come back in 2 weeks.

Ms. Hatfield moved to table the plan until the next meeting. Mr. Pampena seconded. The motion to table was unanimously passed.

- ❖ Guardian Protection Parking Lot Expansion; SP(LD)16-04; 174 Thorn Hill Rd., plans dated 4/12/2016; **deadline: 7/18/2016**

David Hager with PVE Sheffler presented the plan. He explained that Guardian Protection would like to add parking to their existing facility. The number of spaces would increase by 48. He explained that there is no need to expand the stormwater pond due to it being entirely acceptable in size even with the additional impervious surface. The employees need additional spaces due to growth.

Ms. Zimsky asked the director of facilities for Guardian Protection, Emil Parent, what has necessitated the increase in parking needs. He detailed the growth of the company over the years. Mr. Gazdik asked if the original building had a different design of office space. He and Ms. Zimsky wanted to know how so many additional employees now work in the building. Mr. Parent explains that they had 8' x 8' cubicles originally, and have downsized them to 5' x 6'. Mr. Pampena asked for clarification regarding the islands in the lot.

Ms. Zimsky read her letters.

II. **SP(LD) 16-04: Guardian Protection Parking Lot Expansion – Land Development Plan:**

This plan proposes a 48 space parking lot expansion at the Guardian Protection Facility at 174 Thorn Hill Road. The proposed development is located in the Planned Industrial Park (PIP) zoning district.

II. **Subdivision Review Comments**

1. **Section 174-205.B.8.** A site location map which shall be taken from the Zoning Map, drawn at a scale of one (1) inch equals twelve hundred (1,200) feet, to include the location of the proposed land development in relation to Township boundaries, public streets, adjacent zoning districts and all properties adjoining the property being developed.

COMMENT: Please add the zoning map as the location map.

2. **Section 174-205.B.9.(a).** Property lines with bearings and distances shown for the site and adjacent properties.

COMMENT: A partial existing conditions plan is provided. Please provide another sheet or a full existing conditions plan that shows the entire parcel with property lines and also indicates where on the parcel the parking is being added.

3. **Section 174-205.B.9.(r).** Identification of soil series as shown in the SOIL of the COUNTY, with the soil limit lines plotted on the base map.

COMMENT: Please show this information on the plans.

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

COMMENT: Are there easements on the property?

5. **Section 174-205.B.10.** A list of relevant permits, approvals or certificates required by Federal, State, County, or local governmental authorities.

COMMENT: Please add the list of relevant permits to the plans.

III. **Additional Comments**

1. Please add the detail for the parking lot lighting fixture to the photometric plan.
2. The Demolition Plan indicates that seven existing trees are to be relocated. Can you please indicate, on the landscape plan, where the trees will be placed.

Mr. Gazdik read his letters.

General

1. The Developer shall address all outstanding comments contained in the Planning Directors review letter(s).
2. Final locations of required fire lanes and fire hydrants must be approved by the Township Fire Marshall, 174-503.H.

Grading (88)

3. A Grading Permit and Grading Permit Agreement, is required prior to proceeding with work, as per 88-17.
4. Provide a Compost filter sock down slope of the topsoil stockpile and all other locations adjacent to the proposed areas being disturbed, 88-15.

Subdivision and Land Development (174)

5. The Developer is to request all Modifications in writing. The request for Modifications shall fully state the reasons and grounds for why the provision is unreasonable or a hardship imposed, and discuss the minimum modification necessary, 174-201.D.
6. Guide Rail should be shown on the plan where roads or parking areas abut steep slopes, 174-503.G.
7. Provide Datum and benchmark locations on the plans, 174-205.B.h.

8. Show existing and proposed perimeter monuments on the plan(s), 174-207.B.1., and 174-508.

Stormwater Management (SWM) (165)

9. The proposed SWM Basin will be privately owned and will require a Stormwater Management Agreement, as per 165-107.4. The SWM agreement will need to be reviewed and approved by the Township Staff and Solicitor.

Francois Bitz at 1640 Pleasant Hill Road, commented that the use of the building is not the same. He occupied the building in 1994 when there were 40 parking spaces. He feels that there should be a way to capture impact fees for parking capacity increases in a similar way that traffic impact does. He contends that the use of the building is not the same as it was 10 or 15 years ago. He would like Blaine Lucas and the Township Supervisors to consider parking-based fees much like other townships have. Mr. Gazdik assured Mr. Bitz that his comments have not been ignored and that the issue is under review. Ms. Zimsky explains that the state legislators in the municipalities planning code, establish when and how the township can collect impact fees. It does not allow the township to collect fees for a parking lot expansion. Mr. Davison stated that he thinks that it is a valid point that should be looked into.

Ms. Hatfield moved to recommend approval of the Guardian Protection Parking Lot Expansion subject to staff comments. Mr. Payne seconded. The motion was carried unanimously.

- ❖ Wesley Spectrum; CU 16-03; Perry Highway and Harmony Rd., plans dated 2/10/2015; deadline: 6/20/2016

Rick Avon of Avon Graf Architecture represented Wesley Spectrum. He explained that Marshall Crossing was not yet built when Wesley Spectrum first began talks with the developer. They were given preliminary plans that were going to be submitted, in order for the architect to begin the interiors. Neither the architect nor Wesley Spectrum knew that the building would only be approved for retail use because they did, indeed submit a plan to the building owner. Wesley Spectrum was only made aware after the fact, that their use was not approved. He claimed that the developer should have filed for this conditional use long ago.

Kate Pompa, the Director of Autism Services at Wesley Spectrum, described the nature of her non-profit organization. They provide services for children, adolescents and their families who have autism spectrum disorder in addition to other developmental disorders of children. They have traveling therapists and an after-school program teaching social skills from 4-8pm with staggered start/end times. There are limited Saturday hours as well. There is also an out-patient therapy program with specialization in autism. There is a psychologist employed as well. Since there is no psychiatrist on staff, there is no dispensation of medications. They also have a creative arts program.

Mr. Pampena asked if there is a parking ratio. Ms. Zimsky answers yes, the closest example that is similar to this use is The Caring Place. The parking situation has worked for them. The medical office use is the closest use to this one, and it meets the standards for that. She asked if there is a possibility of

child drop off at this location. The reply was yes, most parents do drop-off after they hand the child off to a therapist. There are 8-10 core staff members who would be in the building daily. Other therapists would drop in at times. Ms. Pompa stated that they can and will monitor the parking situation and make changes to programming to provide the best customer service possible to Wesley Spectrum's clients. This location is central to many clients who partake in services. Safety is a huge priority. There are locked doors, alarms and constant supervision for the children. Mr. Pampena noted that the space feels compressed. Mr. Avon stated that this building in Marshall is much safer and more desirable than their current building.

Mr. Payne asked about the vestibule on the drawing and if it affects the ADA ramp. Mr. Davison asked about the tenants in the other buildings. Mr. Payne asked are there enough ADA parking spaces. Mr. Payne asked if there is a proposed drop off area in front of the building. Marc Cosentino with Cosentino Consulting stated that there are no dedicated spaces as of yet. Mr. Baling asked about how the vestibule works within the plan. There was discussion about what was approved in the original plan. Ms. Zimsky noted that there is a discrepancy with what was approved, and what is shown on the plan. She made a commitment to visit the site. Ms. Zimsky suggested talking to Mr. Hammel about dedicated drop-off spaces and a crosswalk. Mr. Davison expresses concern for the township and the organization with regard to the parking situation.

Ms. Hatfield moved to recommend approval of the Wesley Spectrum Conditional Use Application subject to staff comments. Mr. Pampena seconded. The motion was carried unanimously.

ADJOURN

Since there was no further business to come before the Commission at 8:50 p.m., Mr. Baling moved to adjourn the meeting. Mr. Payne seconded the motion. The motion was carried unanimously.

Respectfully submitted,

Sandy Bauer

Planning Commission Secretary