

**Marshall Township
Planning Commission**

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

April 4 , 2017 - 7:00 PM

Present: Ron Baling, Elaine Hatfield, Larry Payne, David Pampena and John Jester

Absent: Jeff Davison

**Planning Director/
Zoning Officer:** Nicole Zimsky

Engineer: Art Gazdik

Secretary: Sandy Bauer

Solicitor: Blaine Lucas (not present)

Others: Dan Gramc, Dub Reinhardt, David Heath, Matt Brinkerhoff, Ty Eggemeyer, Eric Carlson and Mike Carlson

Mr. Baling called the meeting to order at 7 p.m.

MINUTES

Approval of the March 7, 2017 Meeting Minutes.

Ms. Hatfield moved to approve the minutes as presented. Mr. Baling seconded the motion. The motion was passed unanimously. (5-0)

PLAN(S)

- ❖ 17015 Perry Highway Retail Development; SP(LD)17-01; 17015 Perry Highway, plans dated 2/14/17; deadline: 6/5/2017

Dan Gramc of Goehring, Rutter & Boehm presented the plan on behalf of Gigliotti Holdings. He began by explaining that this is a redevelopment of an existing property. He presented with the aid of visuals. They propose additional paving and underground storage tanks to manage stormwater. They are requesting relief from the ordinance that requires sidewalk and lights along the side and front buffer because adjacent property owners have received relief.

They are requesting a modification to grade three feet into the property line. The intention is to match the grade of the neighboring property.

He explained that there is a stormwater problem downstream from the site. He stated that the Township required an HOP to connect to the slope easement. He asks that he not be required to get an HOP for the driveway since it is pre-existing. They plan to discharge stormwater to the same point that it currently does, while reducing the amount of water at the same time. They disagree with Mr. Gazdik's assertion that they intend to discharge into a private system. They feel as though they cannot be required to make off-site improvements, only to contribute to impact fees.

Mr. Gazdik explained that there is a problem with the private sewer system down slope from the site property. This has been an ongoing issue for approximately 1 ½ years and meetings with PennDOT have taken place. There is a desire for PennDOT to take responsibility for the stormwater issues. This is not a Township storm sewer system. Mr. Gazdik stated that he would like to garner the opinion of the Township Solicitor, Mr. Blaine Lucas, regarding this matter and how it relates to the Stormwater Ordinance. Mr. Gazdik does not approve of any further connection to the pipe because the Township is aware of surcharging of the pipe and problems downstream which are a direct result.

Mr. Gazdik read his letter:

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.
3. The Township Traffic Engineer, Trans Associates reviewed the plans and provided the following comment.

The PennDOT right-of-way plans we have from the 1950s show the slope easement depicted on Trant's plans. See highlighting on attachment. We believe that this easement was not relinquished. As such, the applicant would need to obtain PennDOT permission to construct the retaining wall and perform other work within the easement, or have the slope easement relinquished.

Grading (88)

1. No grading is to be completed within three (3') of the adjoining property line, 88-19(A). The Developer has requested a modification to allow this.

2. At least two (2) grading cross sections should be provided and the building on the adjoining lot should be added and shown on the plans, 88-6(B). One of the grading sections should show the grading within three (3') of the property line and the adjoining building.
3. A Grading Permit and Grading Permit Agreement, is required prior to proceeding with work, as per 88-17.
4. 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. The plan proposes to grade and install facilities within a PennDOT Legal Limit of Slope that is noted on the plan. As per 174-204.A.2.(e), the applicant must show evidence that a PennDOT Highway Occupancy Permit has been submitted. This permit will be required prior to issuance of a grading permit for the site. Alternately, the applicant may submit a request to PennDOT to relinquish the Legal Limit of Slope.
2. The plan proposes to install a handicapped ramp in the PennDOT right-of way. As per 174-204.A.2.(e), the applicant must show evidence that a PennDOT Highway Occupancy Permit has been submitted. This permit will be required prior to issuance of a grading permit for the site.
3. Guide Rail should be shown on the plan where roads or parking areas abut steep slopes, 174-503.G.
4. 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.
5. It is understood that no facilities are proposed to be dedicated to the Township.
6. An approved sewage facilities planning module or exemption may be required, 174-207.B.9.b. An estimate of the proposed water use should be submitted.
7. The driveway improvements proposed may require PennDOT approvals. It is anticipated that PennDOT may require an HOP Permit or an approved traffic control plan for this work. Approvals from PennDOT shall be required prior to the issuance of a grading permit, 174-205.B.11.
8. Provide Datum and benchmark locations on the plans, 174-205.B.h.
9. Profiles for the entrance road should be provided, 174-404.C.3(c)(i).

Stormwater Management (165)

10. The Ordinance section 165-104.5.E., requires;

*The stormwater management system shall not create an adverse impact on stormwater quantity or quality in either upstream or downstream areas. Offsite areas which discharge to or across a site proposed for development shall be addressed in the stormwater management plan prepared for the development. **No stormwater management plan shall be approved until it is demonstrated that the runoff from the project shall not significantly adversely impact downstream areas.***

We have previously informed the developer that they will not be able to discharge the proposed SWM Facility to the existing privately owned storm sewer because the pipe has failed at a point downstream. In order to address this issue the developer had proposed, in their February 14, 2017 submission, the installation of a new private storm sewer so that an appropriate discharge would have been available. In their current submission, dated March 27, 2017, the proposed private replacement storm sewer has been removed. Therefore, the current application does not in my opinion meet the Ordinance standard “that the runoff from the project shall not significantly adversely impact downstream areas.”

If the Developer were to proceed with the installation of the private storm sewer, the developer would need to obtain all permits, easements and approvals needed to cross the downstream properties to the proposed discharge location.

11. 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.

Ms. Hatfield questioned why the Solicitor had not reviewed this information. She also asked if there was any way for this plan to move forward that evening. Mr. Gazdik explained that previously there was an intention on the part of the property owner to pay for and install a pipe themselves. The Solicitor is aware of the current situation but will give it further intensive attention. It is the desire of the Township that PennDOT considers and resolves the situation. Mr. Gazdik recommended that the plan be tabled and given to the Solicitor for review.

Mr. Gazdik states that the proposed Stormwater Plan would improve the larger system relative to the peak discharge rate. However, that pipe currently surcharges and floods the area.

Mr. Baling asked for specifics on the pipes and current Stormwater situation. Mr. Pampena asked if there will be a change in visibility turning off of Rt. 19 onto Warrendale Bayne Rd. resulting from this plan? Mr. Gramc answered no.

Mr. Payne asked for detail regarding ADA design. Mr. Reinhardt replied that he would provide that.

Mr. Gramc stated that he is agreeable to tabling.

Ms. Zimsky made reference to her letter:

I. **SP(LD)17-01: 17015 Perry Highway – Land Development Application:**

The applicant is seeking land development approval to add additional parking and improve circulation at the former Scholl Bike Shop at 17015 Perry Highway. The building is approximately 3,600 SF and with the proposed improvement there will be 15 parking spaces on the site. 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.(s).** Location, width, bearings, and purpose of existing and proposed EASEMENTS and utility rights-of-way.

COMMENT: The 15' Pedestrian Access Easement shown on Sheet C104 should encompass the entire 5' concrete sidewalk. Please continue the easement to the entrance driveway.

III. **Zoning Ordinance Comments:**

1. **Section 208-1005.D. 3. (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 Warrendale Bayne 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 Warrendale Bayne Road and should be spaced every one hundred sixty feet and staggered from the lights on the other side of Warrendale Bayne Road. The plans do not show any street lights along Warrendale Bayne Road. Either show the lights or you will need to seek a variance.

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

COMMENT: Street trees and sidewalks are not shown running property line to property line Along the Warrendale Bayne Road frontage. 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.

Ms. Zimsky asked for a 30 day extension, to July 5, 2017. This request was granted.

Mr. Baling moved to table the Land Development. Ms. Hatfield seconded the motion. The vote was unanimous. (5-0)

- ❖ Keystone Shooting Center; SP(LD)17-02; 927 Sheraton Road, plans dated 3/2017; **deadline: 7/3/2017**

Mr. David Heath, of Gateway Engineers, presented the plan on behalf of the Keystone Armory. They are proposing a 21,000 sq./ft. facility that will house firearm retail and an indoor shooting range. The site plan has 90 proposed parking spaces, dual access to Sheraton Rd., an above-ground stormwater management pond and an existing buffer in the rear, adjacent to I79.

Mr. Payne asked for clarification regarding ADA accommodations and drainage specifics. Ms. Zimsky recommended creating two sets of stairs at the front entrance to discourage pedestrian traffic in vegetated areas. Mr. Payne asked about acoustics within the firing range. Mr. Matt Brinkerhoff of Action Target answered that they consult with the architect to ensure appropriate wall thickness and install acoustical material to absorb sound. Mr. Baling asked for specifics regarding the ceiling. Mr. Brinkerhoff stated that there are ballistic steel plates in baffles to capture the bullets that may travel upward. Mr. Pampena asked for lighting and security specifics. Mr. Heath detailed the lighting placement.

Ms. Zimsky asked for specifics regarding air handling. Mr. Ty Eggemeyer of Keystone Shooting Center explained that the air and dust is collected and pulled by an exhaust fan out of the bullet trap. There is a double HEPA filtration system. The 3 units are standard 40 ton units. There is a separate air handler for the retail area. They will be rooftop units which must be screened. Mr. Pampena asked if there is an increase in crime in areas where these facilities are built. The answer was no. There are many law enforcement officers who use this type of facility for training and certification. Mr. Eggemeyer also stated that there is zero chance of a bullet escaping the facility.

Mr. Eric Carlson of Keystone Shooting Center stated that Keystone Armory is located in Edinboro, PA and that theft is minimal in his facility and that the new facility will comply with all professional safety standards. People can rent and use firearms. They will have a federal firearms license to buy and sell new and used guns and accessories in the retail portion of the facility.

Mr. Mike Carlson is the President of Keystone Armory. He stated that people will bring in their guns to sell and the staff will immediately check the gun to make sure that it is clear. The ATF governs the buying and selling of firearms. The background checks are performed by the State Police. Mr. Jester requested brochures for the Cincinnati facility. They distributed visual materials to the Commission members.

Ms. Zimsky read her letter:

II. **SP(LD)17-02: Keystone Shooting Center – Land Development Application:**

The applicant is seeking land development approval to construct a 21,365 SF building on the site of the former St. Christopher's Church on Sheraton Drive. It is the developer's intention to operate a retail center, indoor shooting range capable of handling up to .50 caliber rounds (both pistol and rifle), and classroom space. The property is zoned Highway Commercial (HC) and is located in the Corridor Enhancement Overlay District.

II. **Land Development Review Comments:**

1. **Section 174-205.B.4.** Evidence of preparation by a licensed or registered architect, landscape architect, surveyor or engineer.

COMMENT: Please seal the plans.

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

COMMENT: Please add this information to Sheet C100.

3. **Section 174-205.B.9.(b).** Zoning District for the site and adjacent properties.

COMMENT: Please add this information to Sheet C100 and note that the property lies in the Corridor Enhancement Overlay District.

4. **Section 174-205.B.9.(c).** Lot Area

COMMENT: Please add this information to Sheet C100.

5. **Section 174-205.B.9.(f).** Existing and proposed structures and the height of each structure.

COMMENT: Please add this information to Sheet C100.

6. **Section 174-205.B.9.(j).** Water service.

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

7. **Section 174-205.B.9.(o).** The boundaries of any overlay districts described in the Zoning Ordinance.

COMMENT: Please note that the property falls within the Corridor Enhancement Overlay District.

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

COMMENT: Please add this information to Sheet C100.

9. **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: The soils are listed on Sheet C401, but their limits need to be shown on the plans.

10. **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. If there are none please state that there are none on the plans. Is it possible to get the sidewalk completely within the right-of way? If not, please provide a pedestrian easement where the sidewalk encroaches onto your property.

11. **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.

12. **Section 174-205.B.13.** Floor plans, elevation drawings of all facades on all structures, exterior building materials and colors.

COMMENT: There is an inconsistency between the floor plans shown in the plan set and the floor plans submitted as a separate document. Please make sure all materials are consistent.

13. **Section 174-205.B.14.** Traffic Impact Study.

COMMENT: A copy of the plan has been forwarded to Trans Associates for their review and comment.

14. **Section 174-205.B.16.** Proof of compliance with the 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.

III. **Zoning Ordinance Comments:**

1. **Section 208-1507.A.** Each approved application for a land development shall provide a minimum visual buffer between the right-of-way lane of the subject roadway and all proposed structures and parking areas. ...The buffer shall be continuous, except as set forth below, and be no less than 50’ average and 30’ minimum depth. .

COMMENT: Please show this area on the landscape plan and show how the requirements of this section are met.

2. **Section 208-1507.B.** Bufferyard D is required along arterials, major collectors, and interstates. The 30’ minimum depth shall not occur at the high activity areas of a project. ...

COMMENT: Bufferyard D needs to be planted the length of the property between the building and I-79. You will get credit for existing vegetation, but will need to document what is there and add additional plantings to meet Bufferyard D requirements.

IV. Additional Comments:

3. Please provide a detail for the light standard you are going to use. Please make sure that it is a full cut-off fixture.

Mr. Gazdik read his letter:

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. An NPDES construction discharge permit for the site will be required prior to grading permit issuance, as per 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. An approved sewage facilities planning module (SFPM) or SFPM Exemption for the Land Development is required, 174-207.B.9.b. An estimate of the sanitary sewer flows and water use for the proposed building is also requested.
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 Borough of Mars is referenced in the report in several places and should be removed from the report.

10. The Ordinance section 165-104.5.E., requires;

The stormwater management system shall not create an adverse impact on stormwater quantity or quality in either upstream or downstream areas. Offsite areas which discharge to or across a site proposed for development shall be addressed in the stormwater management plan prepared for the development. No stormwater management plan shall be approved until it is demonstrated that the runoff from the project shall not significantly adversely impact downstream areas.

The plan proposes to connect to an existing 15" RCP storm sewer that crosses the road and is shown entering the Comfort Inn's storm sewer system. We are requesting that the developer evaluate the capacity of this storm sewer to assure us that the additional flow to be directed to this line can be conveyed without surcharge.

11. A copy of the existing NPDES Permit and existing approved PCSM Plan should be provided, 165-105.
12. 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.

Mr. Payne moved to recommend approval of the Land Development contingent upon Staff comments. Mr. Baling seconded the motion. Ms. Hatfield abstained. The motion was carried. (4-0)

ADJOURN

Since there was no further business to come before the Commission, at 8:46 p.m., Ms. Hatfield moved to adjourn the meeting. Mr. Pampena seconded the motion. The motion was carried unanimously. (5-0)

Respectfully submitted,

Sandy Bauer

Planning Commission Secretary