

**Marshall Township
Planning Commission**

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

May 2 , 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: Daniel Gramc, Dub Reinhardt, Mark Lesnick, Kento Ohmori

Mr. Baling called the meeting to order at 7:01 p.m.

MINUTES

Approval of the April 4, 2017 Meeting Minutes.

Mr. Pampena moved to approve the minutes as presented. Ms. Hatfield seconded the motion. The motion was passed unanimously. (6-0)

PLAN(S)

- ❖ 17015 Perry Highway Retail Development; SP(LD)17-01; 17015 Perry Highway, plans dated 2/14/17; **deadline: 7/5/2017**

Mr. Gramc of Goehring, Rutter and Boehm presented the plan. He intended to discuss two issues related to the plan. The first issue is the stormwater discharge. He stated that he has nothing new to share since the last meeting. He asked Staff to explain their position. Ms. Zimsky reported that the applicant went to the zoning hearing board on April 18th and were granted their variances.

Mr. Gazdik stated that the Township has communicated with Penn DOT relative to the storm sewer in question. He has received a request for information from Penn DOT in order to create a design to correct the problem on the Meyers and Gigliotti properties. Mr. Gazdik is not aware of the schedule for the improvement. Penn DOT sent a draft plan that would either run a storm sewer across to the east or connect to the stream and/or run a new sewer across the frontage of the Warrendale Village site. The Township feels that this is the best possible solution and it would not impose a cost for Mr. Gigliotti and/or Meyers. The Solicitor has indicated that given this information, he expects that the Planning Commission could move this plan on with the condition that the storm sewer discharge be resolved. He indicated that it may be a condition of approval for the plan if it is not completed in a timely manner.

Mr. Gramc stated that he appreciated the work with Penn DOT, however, this new information supports his point at the last meeting; that this is not a private sewer system and that it is a Penn DOT drainage ditch. He argues that there is a drainage point on the property into the ditch and it has been there for 50 years. He reiterated that this is an existing property and building and that they are attempting to improve the site. He feels that the applicant should not sustain any condition of approval such as the one described by Mr. Gazdik. The applicant does not want to be beholden to Penn DOT. He stated that there are no problems on the site. He cites a comment written by Mr. Gazdik that states that the applicant must consult Penn DOT regarding their driveway permit. He states that the plan was intentionally designed not to encroach on the Penn DOT right-of-way. He does not want to work with Penn DOT therefore, he would like that condition removed. Mr. Reinhardt of Trant Corporation commented that the driveway use has not changed and it is clear of the right-of-way. There is no permit necessary for driveway. The permits that they will need to obtain are for the handicap ramp and the grading on the slope along Rt. 19.

Mr. Gazdik read his original comment. He stated that if there is no change to the driveway, that the Township would not require an HOP. Mr. Gramc indicated that the last sentence stated that the Township would not issue a grading permit until Penn DOT gives an ok. Mr. Gazdik stated that his concern is that if they were going to change the driveway and/or have to do any closure of the land. There is also a concern that when one leaves the driveway to make a left-hand turn that it is dangerous and difficult to do. He feels as though there may be a need to have it reviewed relative to safety. Mr. Gazdik stated that a HOP may not be required. He stated that the last sentence will be stricken relative to the imminent requirement of Penn DOT approvals. He stated that there may be approvals required. Mr. Gramc stated that he is satisfied with that change.

Mr. Baling asked how Penn Dot goes about recommending such scenarios as a right-in/right-out. Mr. Gazdik stated that that is why there is a need for them to look at it. Mr. Gramc reiterated the fact that the driveway is existing and that Penn DOT just upgraded that intersection. Penn DOT did not feel as though the driveway needed attention at that point.

Mr. Pampena asked about the maintenance of stormwater tanks. Mr. Gazdik stated that a stormwater maintenance agreement would be necessary. The issue is that there is no discharge for the pipe that the site discharges into. Mr. Baling and Mr. Pampena asked for details regarding the current stormwater situation. Mr. Gazdik relayed that Penn DOT is making improvements along the road which is why they are responding with a solution to this issue; however no schedule has been determined. He stated that this problem was not noted when the Myers' property was developed.

Mr. Payne asked several questions relative to ADA design. Mr. Pampena voiced concern over the left hand turn from the driveway. Mr. Gazdik explained that the condition is such that there is wide area turning into a potentially stopped area going eastbound. That is why he would like Penn DOT to examine the driveway. Mr. Gazdik stated that Mr. Lucas, the Township Solicitor, indicated that he would recommend that any action taken by the Planning Commission be conditioned upon resolution of the storm sewer issue in a fashion acceptable to the Board of Supervisors.

Ms. Zimsky read 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:**

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. **A variance was granted by the Zoning Hearing Board on April 18, 2017.**

1. **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. **A variance was granted by the Zoning Hearing Board on April 18, 2017.**

IV. Additional Comments:

1. Please make sure than any dumpster enclosure had room for both garbage and recycling.

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.
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.

4. Provide an Auto Turn Analysis for a garbage truck.
5. It was recommended that the HC ramp at the front entrance be evaluated and that more detail be provided to assure compliance with the ADA.
6. The northwest corner of the building is very close to the proposed access road. How will it be protected from being damaged by vehicles?

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.***

Also Section 165-104.5.H., states;

Where deemed necessary by the Township Engineer, or as addressed in an approved Act 167 stormwater management plan, the Applicant shall construct storm drains to handle on-site runoff; provide on-site/off-site drainage easements to the maximum extent permitted under the Municipalities Planning Code and Act 167, or any amendments thereto,; and provide for the conveyance of off-site runoff to an acceptable outlet in the same watershed

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 standards; “that the runoff from the project shall not significantly adversely impact downstream areas”; and that the standard that on site runoff be conveyed to “an acceptable outlet in the same watershed”.

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 stated that she feels like the Planning Commission should recommend approval and allow the Board of Supervisors to make the final decision regarding the plan.

Mr. Gazdik reiterated that in his comment 7 under subdivision and land development that the last sentence be changed from “Approvals from Penn DOT shall be required prior to the issuance of a grading permit, 174-205.B.11.”, to state, “ Approvals from Penn DOT may be required prior to the issuance of a grading permit, 174-205.B.11.”

Ms. Hatfield moved to recommend approval of the plan contingent upon Staff letters and the Solicitor recommendation. Mr. Payne seconded the motion. The motion was passed unanimously. (5-0)

- ❖ Warrendale Village Plan No. 2; SUB-FIN 17-10; Warrendale Bayne Rd. and Rt. 19, plans dated 4/10/17; **deadline: 7/31/2017**

Mark Lesnick of Hampton Technical Associates presented the plan. He explained that this plan reconsolidates two existing parcels and subdividing one off. He has addressed the comments sent by the Allegheny County Department of Economic Development.

Ms. Zimsky read her and Mr. Gazdik’s joint letter:

I. **SUB-FIN 17-10 Warrendale Village Plan No. 2 –Subdivision Application:**

The proposed plan subdivides two out parcels off of the Warrendale Village parent. Both of the proposed out parcels are located along Route 19 and were anticipated when Warrendale Village was originally developer. The Parcels are located in the Route 19 Boulevard (RB) zoning district. The properties are located in the Corridor Enhancement Overlay District and the floodplain.

II. **Subdivision Review Comments**

1. **Section 174-206.B.2.** The name and address of the Applicant and Landowner.

COMEMNT: Allegheny County is going to require the Applicant/landowners phone number be added to the plans.

2. **Section 174-206.B.8.** Zoning district(s) and adjacent zoning districts.

COMMENT: Please add this information to the plans.

3. **Section 174-206.B.10.** All property lines within the subdivision.

COMMENT: Is there a particular reason why the out boundary lines for Revised Parcel #1 and Parcel #4 are a different line weight? Please be consistent with the property lines.

4. **Section 174-206.B.18.** Covenants, grants of easements or other restrictions to be imposed upon the use of land and structures.

COMMENT: Are there any parking agreements or access documents? These documents need to be drafted so that they can be forwarded to the Township Solicitor for review and comment.

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

COMMENT: Bearings and distances need to be provided for the easements on the property. An access easement needs to be created so that access to the outparcels can be accommodated through the Warrendale Village property.

6. **Section 174-207.B.17.** The boundaries of any overlay zoning districts described in the zoning ordinance.

COMMENT: The property is located in the Corridor Enhancement Overlay District (CE Overlay) and the 100-Year floodplain. Please add a note to the plan that the property is entirely within

the CE Overlay and depict the 100-Year Floodplain based on the FEMA's 2014 floodplain maps. Also, please correct Note d to reflect an effective date of September 26, 2014.

III. **Additional Comments**

1. Could Parcel #3 be consolidated back onto Parcel #2?

Ms. Hatfield moved to recommend approval of the plan contingent upon Staff letter 4/27/17 and consolidation of parcel 3 with parcel 2. Mr. Pampena seconded the motion. The motion was passed unanimously. (5-0)

- ❖ Warrendale Village – Bd's Mongolian Grill Parcel 4; SP(LD) 17-03; Warrendale Bayne Rd. and Rt. 19, plans dated 4/10/17; **deadline: 7/31/2017**

Mr. Lesnick presented the plan. It is a 10,000 sq. ft. building on .8 of an acre. He explains that the pad is already graded and water and sanitary sewer service are available. Staff was consulted regarding the placement and orientation of the building. He stated that there is an agreement in the sales agreement for the property to have cross-parking with the rest of the development of Warrendale Village. Mr. Lesnick noted that there is a necessity for 48 additional parking spaces. He requested assistance from the Township to complete an accurate parking evaluation.

Mr. Kento Ohmori of Fukui Architects detailed the exterior and interior half that is known. There is an estimate on the number of seats. It has a patio component and a cooking area for patrons. He used visual aids to show different renderings of the exterior. Discussion of the exterior materials took place. Ms. Zimsky suggested using vegetation and other means such as extending the patio to break up long flat stretches. Mr. Payne spurred discussion regarding property signage and paving.

Ms. Zimsky read her letter:

I. **SP(LD)17-03: bd's Mongolian Grill – Parcel #4 – Land Development Application:**

The applicant is seeking land development approval to construct a 10,000 SF building on Parcel #4 of the Warrendale Village Development. The building proposes 5,000 SF of restaurant (bd's Mongolian Grill) and 5,000 SF of retail space. The property is zoned Route 19 Boulevard (RB)) and is located in the Corridor Enhancement Overlay District.

II. Land Development Review Comments:

2. **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.

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

COMMENT: Please add a table to Sheet SP.1 which has the zoning district, required bulk and area standards, and what you are proposing.

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

COMMENT: Please add this information to a table on Sheet SP.1.

5. **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.

6. **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.

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

COMMENT: Please add this information to Sheet SP.1.

2. **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.

3. **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.

4. **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.

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

COMMENT: Please provide this information.

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

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

7. **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.

II. **Zoning Ordinance Comments:**

1. **Section 208-1902.A.** Parking facilities required.

COMMENT: Retail requires 1 space for each 250 GFA and restaurant requires 1 space for every 4 seats (including bar and patio seats) plus 1 space for each employee on the peak shift. How many seats will the restaurant have? How many employees on the peak shift? The plan shows 28 parking spaces. Is there a parking agreement with Warrendale Village?

III. **Additional Comments:**

1. Please provide a detail for the light standard you are going to use in the parking lot. Please make sure that it is a full cut-off fixture.
2. Please contact the Marshall Township Municipal Sanitary Authority about parking in the 20 foot Sanitary Easement on the property. Adjustment to the planting plan will likely need to be made.
3. Please provide an elevation certificate for the 100-Year Flood on the property. The first floor elevation of the building needs to be at least 18 inches above the level of the flood or the building will need to be flood proofed.
4. Please make sure that the garbage enclosure has room for both garbage and recycling.

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.
3. It is recommended that vertical concrete curb be installed in the development or at least along all concrete sidewalk areas. It was noted that the existing parking areas in the development has vertical concrete curb. Provide a copy of the plan covenants for staff review.

Grading (88)

4. A Grading Permit and Grading Permit Agreement, is required prior to proceeding with work, as per 88-17.
5. Provide an erosion and sedimentation plan, as per 88-15.
6. Provide a 4' height fence along the top of the existing retaining wall, as per 88-19.A.

Subdivision and Land Development (174)

1. 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.
2. Guide Rail should be extended on the plan to protect all areas abutting the existing retaining wall, -503.G.
3. Although there is an approved an approved sewage facilities planning module for the Warrendale Village Land Development we are requesting that an estimate of the sanitary sewer flows for the proposed building be provided, 174-207.B.9.b.
4. Provide Datum and benchmark locations on the plans, 174-205.B.h.
5. Show existing and proposed perimeter monuments on the plan(s), 174-207.B.1., and 174-508.

Stormwater Management (SWM) (165)

6. This land development is directed to an existing SWM facility, on an adjoining parcel, that was approved as part of the Warrendale Village Land Development, 65-107.4.
7. The PCSM Plan should provide plan showing the drainage areas and BMP locations and designations as referenced in the approved PCSM as related to the NPDES Permit for the site, 165-105.
8. The SWM Plan must provide evidence the site development and SWM BMPs will address the requirements of the Township's Municipal Separate Storm Sewer System (MS4) Permit, 165-102.M. An analysis of the site and associated WQ BMPs shall be provided to assure conformance with the Chapter 102 (NPDES) two year design storm standard, 165-104.5.R.
9. A SWM agreement shall need to be prepared, or the existing SWM Agreement for the parcel will need to be transferred to the new owner, 167-107.4. The existing SWM agreement will need to be reviewed and approved by the Township Staff and Solicitor.

Mr. Pampena moved to recommend approval of the plan contingent upon Staff letters and pending additional parking circulation signage. Mr. Baling seconded the motion. The motion was passed unanimously. (6-0)

PROPOSED ORDINANCE

Motorcycle Ordinance

The Board of Supervisors requested that the Solicitor draft an amendment to separate motorcycles sales from car and RV sales. This amendment differs from the automobile sales ordinance in that motorcycle sales will be an allowed use in the Town Center zoning district. This amendment stipulates that there be no outside display. Ms. Hatfield asked if ATV's are in the same category as motorcycles. Ms. Zimsky replied affirmatively and stated that there were many new hybrid-type motor vehicles on the market that are akin to motorcycles. The ordinance refers to those types of vehicles as well. Mr. Pampena was unclear on the reasoning behind the expanded zoning locations and stated that he feels as though motorcycles and cars were virtually the same thing and should be treated as such. It was discussed whether the restriction on outdoor display would adversely affect motorcycle sales businesses along Route 19 for instance, and in other zoning districts. Ms. Zimsky stated that she would consult with the Township Manager and Solicitor regarding a caveat for display during business hours. Mr. Pampena is in favor of the amendment only making reference to motorcycle sales being allowed on a smaller footprint than automobile sales. Mr. Payne and Ms. Hatfield stated that there were significant differences between motorcycles and automobiles. Mr. Pampena was not in favor of relaxing regulations in order to expand the districts in which motorcycle sales are allowed. Ms. Zimsky agreed to relay concerns regarding noise regulations as they related to motorcycle sales.

Mr. Baling moved to recommend approval of the Ordinance. Mr. Payne seconded the motion. Mr. Pampena voted against approval. The motion was passed. (4-1)

ADJOURN

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

Respectfully submitted,

Sandy Bauer

Planning Commission Secretary