

**MINUTES  
SCOTT TOWNSHIP  
PLANNING COMMISSION  
301 LINDSAY ROAD, MAIN MEETING ROOM  
SCOTT TOWNSHIP, PA 15106  
January 4, 2023**

The meeting was called to order by Chairman Mark Mox at 7:30 p.m.

**ROLL CALL**

Robert Berner	Present
Donald Kaminski	Present
Kenneth Lee, Vice Chairman	Present
Todd Tulowitzki	Present
Robert Burlett	Present
Jane Sorcan, Secretary	Present
Mark Mox, Chairman	Present

Present – 7

Absent – 0

Also, Present: Mark Mox, Planning/Zoning/Code Enforcement Officer  
John Vogel, Tucker Arensberg, PC; Township Solicitor  
Emily Palmer, Lennon, Smith, Souleret; Township Engineer  
Stephanie Wilshire, Planning/Zoning/Code Enforcement Administrative Assistant

**PUBLIC COMMENTS ON ITEMS LISTED ON THE AGENDA**

There were no public comments on items for review and consideration.

**ITEMS FOR REVIEW & CONSIDERATION**

**Election of Planning Commission Officers**

Mox opened the floor for nominations.

Lee nominated Mox as the Chairman for the Planning Commission. Sorcan second the nomination.

**Motion** by Lee, second by Sorcan to appoint Mox as the Chairman for the Planning Commission.

**All in favor**

**Motion Carries (7-0)**

Burlett nominated Lee as the Vice Chairman for the Planning Commission. Tulowitzki second the nomination.

Motion by Burrett, second by Tulowitzki to appoint Lee as the Vice Chairman for the Planning Commission.

**All in favor**  
**Motion Carries (7-0)**

Lee nominated Sorcan as the Secretary for the Planning Commission. Kaminski second the nomination.

Motion by Lee, second by Kaminski to appoint Sorcan as the Secretary for the Planning Commission.

**All in favor**  
**Motion Carries (7-0)**

Motion to approve the Minutes for the November 2, 2022 Planning Commission Meeting

Motion by Sorcan, second by Berner to approve the Minutes for the November 2, 2022 Planning Commission Meeting.

**All in favor**  
**Motion Carries (7-0)**

Motion to approve the 2022 Scott Township Planning Commission Annual Report

Mox asked for changes to Dana Slizik's and Vincent Lancia's terms. He also asked for changes in the "Attendance" of the July and August meetings. Mox asked that a phrase be added to the November meeting with an explanation as to why the Public Meeting for the Zoning Ordinance Update didn't occur.

Motion by Berner, second by Kaminski to approve the 2022 Scott Township Planning Commission Annual Report with minor changes and an addition to the November report.

**All in favor**  
**Motion Carries (7-0)**

Review and Recommendation of the Variance application by Charles McGinnis, owner of XTR Solutions at 221 Hope Street, Building 2, Carnegie PA 15106, who is requesting relief from strict compliance of front setback requirements in order to construct a garage on parcels 102-S-52 & 102-S-54.

Applicant:  
Duncan Nickles – Engineer  
REDCON Engineering  
104 Broadway St.  
Carnegie PA 15106

Charles McGinnis – Owner  
XTR Solutions  
221 Hope St. Building 2  
Carnegie PA 15106

Mox began the discussion by acknowledging that a previous variance application was approved several years ago. The owner has acquired the two residential lots in front of his business lot and the intent is to consolidate the three lots into one and construct the garage as an accessory structure to the existing main building.

Palmer reviewed and explained the comments from the Engineer's review letter dated December 29, 2022. She noted a statement in the comments relating to previous variances granted for relief from strict compliance from side and rear setbacks and minimum lot area requirements for the two lots in front. The variance application currently before the PC is for relief from strict compliance from front setback requirements because, assuming the lots are consolidated as proposed, the issues with rear and side setbacks essentially go away. She added that this application was reviewed as a variance request only.

Mox commented that the lot consolidation is important for the garage to be constructed because even with the variance, the construction couldn't occur without consolidation. He asked the applicant to explain the criteria for this variance application.

Nickles explained the unique site conditions because the two lots in front (known as 1B and 1C) are too small to do anything within a General Industrial-zoned district. Years ago, when the property was subdivided to separate businesses and the two residential structures, variances were granted to allow the residential structures to be two separate properties. McGinnis purchased the business property and the two residential properties. He razed the two residential structures and would like to build an accessory structure to help support his existing business there. It makes the most sense to consolidate the Lots 1B and 1C and Lot #2 (221 Hope St., Building 2). That would allow him to build a garage on what is now known as Lots 1B and 1C and eliminates the size and setback issues that Lots 1B and 1C currently have. Nickles added that consolidating the lots will rectify the issues the individual lots have and allow development of the lots. He characterized the area as a mixture of Industrial, Commercial and Residential and that the construction of a garage on Lots 1B and 1C shouldn't alter the nature of the area. A variance is the first step in the consolidation and development of the property and the applicant didn't want to invest in full plans unless the variance was granted.

Mox suggested Nickles add to his explanation to the Zoning Hearing Board that Lots 1B and 1C were created as residential lots and there were houses on them that were taken down. Because this is a General Industrial-zoned area and residential homes aren't permitted to be built there, the only development that would be allowed is Industrial. The owner is working with the existing conditions that were created years ago when this mix of all the different uses were there. By consolidating the lots, the owner is bringing the property back into compliance.

McGinnis added that garage structure wouldn't just alleviate storage issues, but also parking issues as they share a driveway with Patete Kitchen & Bath. The garage would provide additional parking.

Lee asked what the garage would be used for.

Nickles answered material, equipment and vehicle storage.

Lee asked if the existing structure will be connected to the proposed accessory structure.

Nickles answered that there are no current building designs. He assumed however they would not be connected because of dissimilar construction types.

Lee added he didn't think the front yard setback was that major as long as it's compatible with the adjacent building.

Nickles said a physical survey hasn't been done yet, but they would definitely consider lining up with the adjacent building.

**Motion** by Burlett, second by Lee to recommend approval to the Zoning Hearing Board the Variance Application by Charles McGinnis, owner of XTR Solutions at 221 Hope Street, Building 2, Carnegie PA 15106, to change the front yard setback requirement on Parcels 102-S-52 and 102-S-54 from 35 feet to 5.6 feet subject to the condition that the façade of any new structure not exceed the setback of the existing adjacent structure; subject to satisfying the comments of the Engineer's Review Letter dated December 29, 2022; and subject to the three lots - Lots 1B, 1C and 2 - being part of an approved consolidation plan.

**All in favor**  
**Motion Carries (7-0)**

Review and Recommendation of the Preliminary Major Land Development Application to construct a new Chase Bank with drive-through at 1910 Cochran Road.

Applicant:

Dan Deiseroth – Gateway Engineers  
100 McMorris Road  
Pittsburgh PA 15205

Josh Scanlon – Gateway Engineers  
100 McMorris Road  
Pittsburgh PA 15205

Erin Gogolin – Bohler Engineering  
1 Allegheny Square  
Pittsburgh PA 15212

Mox explained that this is the site of the former Max & Erma's restaurant. This is a preliminary application for a major land development, so he asked that the board keep in mind that there are different criteria for a preliminary application as apposed to a final application. The applicant will be back for a future Planning Commission meeting with a final application.

Palmer reviewed and explained the comments from the Engineer's review letter dated December 30, 2022. Zoning Comment #1 regarding parking and peak uses during the day and week, the Township needs clarification of the number of spaces provided and asked that a parking summary be added to the Site Plan and will also need clarification that there are enough spaces in the shared space for the different uses at the peak days and times of the week. Zoning Comment #4, the Township will need a slope analysis map regarding the disturbance of steep slopes that shows there's no concern. Regarding the Geotechnical Investigation Report, there were a few items that we want to include in the Developer's Agreement (should the application

move forward) and some revisions Palmer would like to see. First, in case the preparer didn't have the grading plan, land development and building plans when the Geotechnical Report was prepared, the applicant needs to circle back and provide a final report that includes analysis of those items. Second, the report also has several recommendations for geotechnical investigations to be completed upon demolition of the existing building. Palmer is okay with the idea that the whole field review is completed once the existing building is torn down. These requirements will be added to the Development Agreement and may be a condition of the building permit.

Mox added that the Code Enforcement department would be able to make sure that requirement happens, if needed, before a building permit is issued.

Palmer continued with Subdivision Comment #4 requiring Traffic Impact Studies. She asked if the applicant had heard from PennDOT regarding the entrance driveway. The proposal is to make the two current access driveways each one-way – access driveway closest to Roessler would be entrance only and access driveway closest to the proposed Chase Bank would be exit only.

Mox noted that this is an existing condition.

Palmer added that PennDOT previously wanted to make this area a "right in, right out" only and the Township wasn't in agreement. She added that the applicant has asked for a modification of the sidewalk requirement along Roessler Road, but the plans don't show the sidewalks on Cochran. There are a few Stormwater Management comments that need to be addressed including Comment #1 infiltration tests were performed that yielded no-infiltration at certain test sites, but those test sites are not in the location of the infiltration system. She noted from Subdivision Comment #3 that there may be a Chapter 105 permit needed to discharge to the existing culvert that conveys a stream.

Scanlon addressed Zoning Comment #1 and confirmed there are a couple of typos, and the amount of parking does meet the requirements and will be addressed as part of the resubmission. Zoning Comment #4 regarding steep slopes, a slope tabulation and map will be prepared.

Deiseroth added that there will be no development within steep slopes and will stay within the same pattern at the former Max & Erma's.

Palmer noted that there appears to be a small, isolated (80 sq. ft.) area of disturbance, which is allowed.

Gogolin confirmed the small area of disturbance around back of the existing building. She added that there is a map prepared and she'll make sure the Township receives it shortly.

Scanlon said the comments regarding the Geotechnical Report will be addressed in the resubmission.

Deiseroth added regarding the Geotechnical Report that there's no basement in the existing building and once the building is demoed, they'll be able to get a final analysis to get any Geotechnical recommendations and address any issues with the wall in the back of the building – that wall protects the slope and the rear of the building.

Scanlon asked for clarification on Zoning Comment #6 regarding screening and where located.

Palmer said it's the driveway exit along Cochran Road and should include some shrubbery there.

Mox read the requirement – mechanical equipment and drive-through areas must be screened to reduce noise and visibility. He added that if the applicant were to add screening from the trash enclosure to the first lot light, that would provide adequate side screening. The hillside and wall should provide adequate screening at the rear.

Lee commented that the look of the Chase Bank buildings in general is pleasant enough so seeing parts of the building shouldn't be a problem. He added that the applicant should be careful about planting tall shrubbery.

Scanlon addressed comments regarding the drainage structure and traffic. There's no connection to the PennDOT system so they wouldn't need a Highway Occupancy Permit (HOP). Overall trip generation for the site is reduced. They're not proposing any modifications to the existing entrance and exit. No work is being proposed within the PennDOT right of way (ROW) relative to either of the access driveways. They are in talks with PennDOT relative to trip generation and to confirm with them that no work is being done in the ROW.

Deiseroth added that their traffic engineer had a discussion with PennDOT and confirmed that their trip generation proves there's no additional traffic and there's no work in the PennDOT ROW (except minor work to remove the in/out access driveway that Max & Erma's used for deliveries). PennDOT was more concerned with what Scott Township thought of the project. This is the first step in an overall redevelopment plan for that area. They will likely have a conference call with PennDOT and the Township to discuss the project and PennDOT's involvement.

Mox added for the benefit of the Planning Commission members who might be unaware, when the traffic impact study was initially conducted under a previous Land Development application that proposed modifying the driveways, it was determined that the left turns failed. Back then PennDOT insisted on either a left turn only lane or a right in/right out only into and out of Manor Oak. The previous applicant's plans required an HOP but the current applicant may not because there's no proposed changes in the PennDOT ROW.

Scanlon confirmed that a modification is being requested from the sidewalk requirement on Roessler Road because of the steep slope coming off of the road. They are looking to add the sidewalk along Cochran Road outside of the ROW for safety reasons and that will be shown on a subsequent plan. There will be a connection from the bank to the sidewalk. He addressed Stormwater Management Comment #1 regarding infiltration. The way the existing underground detention is modeled is that there's currently no infiltration present. If the tanks are installed and there is infiltration present, it only helps the system. The model is essentially a worst-case scenario and should reduce rates even further. Regarding Comment #2 that relates to conveyance – they will look at this as it's likely an existing condition and will be clarified upon resubmission. Remaining comments regarding agreements are understood and noted.

Burlett questioned whether there's enough space for two vehicles on the exit driveway in case a vehicle turning left blocks all vehicles turning right.

Scanlon answered that the plan tries to control the number of vehicles turning. There'll be a stop sign and vehicles will have to wait until the vehicle before them executes their turn onto Cochran Road.

Mox added that the vehicles having to wait will be on the site and not in the road causing congestion on Cochran Road.

Burlett asked why they designed the parking lot so that a vehicle must drive around the entire lot to get to the spots nearest to the bank.

Scanlon said the intent was to control circulation internally a little better. The plan has been revised to include a two-way section that leads directly to the bank.

Burlett asked if the concept elevations were being discussed.

Mox answered that the Township asks for elevations to ensure that the plan will enhance and not take away from the aesthetics of the area. There's no architectural review board.

Mox asked about the high curb that's extending around the back of the drive through. He believes the high curb is going to create a traffic flow issue as vehicles may easily hit the curb if drivers are not paying attention as they drive through.

Scanlon said they are working with the current grades to reduce the height of the curb.

Mox asked that they take a closer look at a potential grading issue where there's a proposed catch basin and the areas surrounding it have steep elevations. The site lighting and landscaping are overlapping onto the sidewalk from Cochran Road to the bank. Also handicapped parking needs to be addressed and shown. With the current plan there must be two new handicapped stalls, one van accessible. The current lot is out of compliance and must be brought into compliance for final approval.

Deiseroth confirmed that the parking can be re-stripped.

**Motion** by Lee, second by Berner to recommend approval to the Board of Commissioners the Preliminary Major Land Development Application to construct a new Chase Bank with drive-through at 1910 Cochran Road subject to the Modification Request for the sidewalk requirement on Roessler and satisfying the comments of the Engineer review letter dated December 30, 2022.

**All in favor**  
**Motion Carries (7-0)**

Discuss updates of Zoning Ordinance for signage regulations.

Mox began discussion by stating that the Board of Commissioners had recent concerns over small and temporary signs that have become very common and excessive on commercial properties. The BOC is looking for more regulation regarding these types of signs since the Planning Commission is in the process of updating the Zoning Ordinance. The description of these signs is small directional and interpretational signs not exceeding five square feet in area and a height not to exceed three feet, displayed on private property for the convenience of the public. Mox found a Model Ordinance that refers to these kinds of signs and gives ideas for regulating. Some signs referred to as "self-expression" signs can only be regulated based on size and location because our country gives 1<sup>st</sup> Amendment rights to self-expression. Temporary or snipe signs have also become an issue. Snipe signs are defined as a sign tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, public benches, streetlights, or other objects, or placed on any public property or in the public right-of-way or on any private property without the permission of the property owner.

He continued by stating that the township does not allow commercial entities to attach signs to telephone poles. Section 3-104.8 states that no sign shall be attached to any utility pole on public or private property. Mox wants to consider, under prohibited signs, letter R that states "signs that exhibit statements, words, or pictures of obscene or pornographic subjects as determined by Scott Township.

Vogel stated the word "pornographic" cannot be precisely defined and the word "obscene" is defined differently by different people.

Berner added that we're not able to supersede the 1<sup>st</sup> Amendment.

Mox said that by regulating the size, height and location of signs, all signs are beholden to the same regulations. He commented on updating the ordinance with exemptions. For example, personal expression signs of any sign types, including flags, provided that they do not exceed three (3) square feet in area per side, are non-commercial in nature, and not illuminated. He mentioned regulating flags, their location, size, height and number in commercial and residential districts.

Burlett commented that there's a residential property near Greentree road with three flag poles in his yard. He added how can there be exemptions of self-expression signs that includes flags but then regulates flags in general.

Kaminski stated that there doesn't seem to be a big difference between the definitions of banner and flag.

Tulowitzki said that most would consider banners as a form of advertising.

Palmer stated the current definition of a flag is specific to material, and used as a symbol of a nation, state, political subdivision or organization.

Lee asked if signs that are on large box trucks and parked in a parking lot would be permitted?

Mox said those would likely be included in prohibited signs under vehicular signs.

Kaminski asked about prohibiting signs from being placed in the ROW in a residential district.

Mox stated that many signs fall within the exemption for self-expression. Do these same signs are on private property have to comply with set-back regulations?

Vogel said that even if the sign is on private property there are safety concerns if there are site-line issues.

Mox said the Ordinance must be clear that no signs are allowed in the public ROW. It will be hard to enforce this because it's always been allowed – this is referring to smaller advertising or political signs.

Sorcan asked if there could be a maximum number of these small signs.

Vogel said it would be harder to enforce a maximum number if we use specific number per frontage.

Palmer said it's currently drafted that in a residential district one sign per street frontage and in a commercial district is one wall sign per business, one free-standing sign per parcel and one sign for each street frontage.

Mox asked if electronic message board signs are included in the total number of signs allowed.

Vogel said we shouldn't be allowing building signs plus electronic message sign.

Palmer read the portion of the drafted Ordinance that states that an electronic message sign may occupy up to 100 percent of the entire sign face. The area of the electronic sign shall be included in the maximum sign area and shall not be in excess of or in addition to the sign area regulations contained in this ordinance. Wall signs shall be limited to one electronic message sign per building.

Mox went over what the BOC is looking for the Planning Commission to accomplish with the addition of some of these discussed regulations. He asked if there were any additions anyone had.

Lee asked if we could add how long an election sign can be displayed.

Vogel said that would be difficult because there would be a problem distinguishing between an election sign and a political sign. There is a county ordinance that requires election signs be removed within a certain number of days but it's hard to enforce because politicians don't know who have their signs.

Mox said he believes we should add prohibited signs and update our exemptions, but the exemptions should address the location, height and the size of the signs. He wants to add temporary signs – a type of non-permanent, sign that is located on private property that can be displayed for no more than 30 consecutive days at one time. He asked if the Board thought these discussed additions will be enough.

Tulowitzki added that the sign regulations should be fine-tuned and more precise.

Vogel suggested that Palmer update the Zoning Ordinance draft and then the PC meet for the public meeting in March. The PC will give it their stamp of approval and it'll be formally sent to the BOC. After their approval the updated ZO is sent to the County for review. We'll wait for the County review to come back before scheduling a Public Hearing.

Mox asked if it's ok that a draft be available on the advertised dates which would likely be Feb. 9.

Vogel said as long as there's no debate regarding content.

Lee asked if what's being discussed today is a sufficient debate.

Mox said there will be opportunity to address any issues at the Public Meeting.

Palmer asked for clarification for what she'll be revising/adding regarding sign regulations – incorporating the definition edits, the exemption edits and prohibited sign sections.

Mox added that Palmer should add under the exemptions where the signs can be, the height they can be, the size and possibly the amount of time. And under prohibited signs, the Ordinance should address signs on corner lots, that they should be prohibited within the clear sight triangle at any intersection.

Palmer said we need to discuss banners on light poles.

Mox asked if the PC would want to put the elongated advertising signs on light poles on the prohibited sign list. The Veteran signs would not be considered part of this list.

Lee agreed that these kinds of signs add another layer of clutter.

Mox asked if the PC would want to add regulations for limited duration signs. The PC could add more regulations at the Public Meeting if needed. Mox said the Public Meeting to go over the Zoning Ordinance update will be advertised on February 9<sup>th</sup> and 16<sup>th</sup> and the Public Meeting will be held March 1<sup>st</sup> as part of the Planning Commission meeting.

**Public Comments**

There were no public comments on items not on the Agenda.

**Adjournment**

**Motion** by Sorcan, second by Burlett to adjourn the meeting.

**All in Favor**  
**Motion Carries (7-0)**

The meeting was adjourned at 10:18pm

Attest: \_\_\_\_\_

