

**MINUTES
SCOTT TOWNSHIP
PLANNING COMMISSION
301 LINDSAY ROAD, MAIN MEETING ROOM
SCOTT TOWNSHIP, PA 15106
April 5, 2023**

The meeting was called to order by Chairman Mark Mox at 7:31 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

Mike Dhanse
1815 Main St.
Bridgeville PA 15017

Dhanse came to speak in favor of a Chicken Ordinance. He agrees that regulations are needed for such an ordinance but wants his kids to learn responsibility in keeping chickens fed, the coop clean, etc. He suggested a minimum number should be six as some chick suppliers have a minimum order number of six. With nationwide eggs shortages it would be nice to have natural and free eggs, paired with teaching the kids how to take care of them.

4/05/2023

ITEMS FOR REVIEW & CONSIDERATION

Motion to approve the Minutes for the March 1, 2023 Planning Commission Meeting

Motion by Berner, second by Sorcan to approve the Minutes for the March 1, 2023 Planning Commission Meeting with one minor correction.

All in favor

Motion Carries (7-0)

Review and Recommendation of the Final Major Land Development Application to construct two building additions at the Walmart Super Center, 2200 Washington Pike, Carnegie PA 15106 and the re-configuring of the parking lot.

Applicant:

Jeremy Eanes – Dewberry
515 Piney Forest Road
Danville VA 24540

Palmer reviewed and explained the comments from the Engineer's review letter dated March 31, 2023. Zoning comment #1 regarding parking. The applicant provided additional information on the use within the building and the number of parking spaces but she's asking for clarification specifically with regards to a tabulation needed on what parking spaces are being taken away as a result of the proposed additions. Also, there are parking spaces being used for storage of abandoned vehicles and tractor trailer cabs. From a zoning standpoint, if parking spaces are being used for something other than vehicles, those spaces cannot be counted in the tabulation. Comment #2 asks that the applicant clarify whether additional lighting improvements are proposed and, if so, provide a photometric plan. Comment #3 relates to the steep slope ordinance that requires a slope tabulation and/or map as well as the certification statement. Comment #4 relates to the relatively new requirement to provide a tree for every 1,000 square feet of floor area of structure to be erected. A landscaping plan, requirement tabulation and schedule were not provided. Comment #5 requires exterior storage and outside display of equipment be screened and landscaped. Subdivision comments #1 and #2 relate to the Developer's Agreement that can come after final approval. Comment #3 relates to the plans of the access easement through the parking lot and #4 relates to clarification of the parcels and the names of the parcels on the plans. Comment #5 asks that lot boundaries be described by metes and bounds. Comment #6 requires the plan provide existing streets and right of way lines on or adjoining the site. Comment #7 requests the notation that the site presumably is not in a floodplain or if it is, showing that. Comment #8 requires that the geotechnical report be revised to address the construction of the addition in proximity to the newly installed billboard sign. #9 relates to a storm sewer relocation that's being proposed in the parking lot and some comments relating to that. It's an existing storm sewer but further clarification and justification is needed. #10 requires a note be added to the plan because the site is accessed through a state highway. #11 is the requirement for Allegheny County Conservation District to review the plan. #12 relates to the Infrastructure Demand Statement provided that indicates the addition of 18 employees and approximately 1754 gallons per day of sewage flow. This, if accurate, will require the completion of a sewage facilities planning module. Additionally, the plans need to be revised to show the location of the existing sanitary sewer line on the property, particularly in the vicinity of the proposed addition. Clarification is needed for the new sewer lateral and what's going on with the old one and where the front building additional is going to be. The stormwater

comment, which falls under one of our exemptions in the ordinance - more information is needed related to stormwater management than has been provided. The final item is a notation that the plans show the dentist office in the parking lot has a demolition permit. That is not the case, and a demolition permit will be needed.

Eanes confirmed the project includes demolishing the existing front vestibule of the store and constructing a new one, and then constructing an addition towards the back northwest of the store.

Mox asked if the 8,000 square foot additions are over and above what is there today. This calculation will be important for the landscaping requirement.

Eanes was told at the beginning of the project that there was a Demolition Permit in place for the remaining dental office.

Mox said that even if there had been a Demolition Permit when most of the strip mall was demolished, that permit has long since expired. A Demolition Permit will be required.

Eanes said they will get that Demolition Permit. He explained that part of the scope of the project is re-striping the parking lot. They will stripe the area where the old dental office will be demolished, restripe parts of the existing parking lot near the new vestibule to convert those spaces to online purchase pick-up, which will be larger stalls - they will be 12 feet by 20 feet, which is larger than the average nine and a half feet by 18 feet. Also, they are relocating handicap parking toward the center of the new front entrance vestibule. This is the reason for the relocation of the storm line. This is part of a Walmart requirement that any ADA parking spaces can only have a maximum slope of two (2) percent in any direction. There's an existing storm inlet where the parking spaces will be located, and the slope was greater than two (2) percent. This area had to be recreated to move the inlet down to create the space for the ADA parking. These new ADA spaces will now be more centered on the store entrance.

Mox asked how the handicap parking being extended out into the parking field? He said the state will be looking at the location for accessibility.

Eanes answered that one of the reasons for the relocation of the handicap parking is to bring them closer to the front entrance so that those customers would have the shortest distance to walk.

Mox asked if Eanes could add a tabulation to the next submittal for the handicap spaces and include the required number handicap parking spaces and how many should be van accessible using the Pennsylvania state and ADA requirements. Additionally, the spaces must comply with slope requirements and size requirements.

Eanes said that an existing grease trap on the east side of the store will have to be relocated slightly north of the current location because a new cooler will be sitting on top of the existing lines.

Mox asked if this was shown on the plans.

Palmer said it needs to be on the plans.

Mox said the Allegheny County Health Department would need to receive a separate submittal and would issue any plumbing-related permits.

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Palmer questioned the calculation that would add eighteen (18) new employees and 1700 gallons of additional sewage as a bit high. She suggested double checking those numbers because there's a lot of additional paperwork involved in a sewage facility planning module.

Eanes got the numbers from the MEP but isn't certain they are accurate. Will clarify with the MEP.

Mox added that the MEP should make sure they're comparing these numbers to what was originally approved for this location.

Eanes said the existing sanitary sewer exit which is almost centered on the front of the store will be abandoned. The new sanitary sewer exit will be on the southeast corner.

Mox said the plans now are showing a sanitary sewer exit in the same location as the original. The plans should reflect that correctly.

Eanes said they should create a separate sheet for the utility plan and clarify all the utilities.

Mox asked if there has been additional testing for flow regarding fire suppression purposes.

Eanes said there has been a flow test recently and tests came back good meaning there wouldn't be a need for additional pumps or water tanks on site. He added that they are working with the landlord to remove any abandoned vehicles and clear any spots that are being used by other business. The containers have been removed and should only be there again seasonally, most likely during the Christmas and Holiday season.

Mox said he would like them to show on the plans exactly where the containers will be located during the holidays. The containers sat for a long time and the township wants to make sure there's still enough parking stalls and how many containers will be on site. He said he would like to know if there's a crossover parking agreement and who is responsible for enforcing the agreement.

Eanes said he would include a photometric plan in the next application. He asked for clarification regarding slope tabulation that is required.

Palmer said the ordinance reference has exact language that can be used even if there's no steep slopes. This language needs to be added to the plans or the Geotechnical report.

Eanes said they would clarify the additional building expansion amount and the trees that are required – a landscaping plan will be provided. Regarding screening of the storage containers, he would consult with his team to come up with an answer and will submit with the final application. They will coordinate with their Geotech and structural teams to clarify the area at the rear of the building where there's a billboard sign. The existing storm line that's in the front parking lot is already flatter than one percent and there's no way to make it steeper than one percent.

Palmer said that should be explained along with the need to provide handicap parking.

Mox asked if they have considered moving the handicap parking so that instead of being in two of the rows you would have handicap parking in three rows. This would still provide easy access to the front of the store but would avoid having to do anything with the storm line.

Eanes said they would look at that option and evaluate. Regarding comment 10 they will note on the plans that access to a state highway shall only be authorized by a highway occupancy permit issued by the PA Department of Transportation. Comment 11, they will provide documentation of the county review of the Erosion and Sedimentation Control Plan. He will clarify the additional sewage numbers and determine if a Sewage Facilities Planning Module will be needed. He will also clarify on the plans the existing and proposed sewer exits, and the grease interceptor on the east side of the building. They will provide an engineer-signed and sealed Stormwater Management Statement and will clarify the impervious surface area. Will also clarify on the plans the need for a Demolition Permit.

Vogel said that the parking situation needs to be worked out. This is a long-standing project.

Motion by Lee, second by Kaminski to recommend approval to the Board of Commissioners for the Preliminary Land Development Application to construct two building additions at the Walmart Super Center, 2200 Washington Pike, Carnegie PA 15106 and re-configure the parking lot subject to satisfying the comments of the Engineer's review letter dated March 31, 2023.

All in favor
Motion Carries (7-0)

Review and Recommendation of the Ordinance to regulate the keeping of domestic chickens (hens) as an accessory use.

Mox said the Board has been asked to also consider ducks.

Lee suggested using the word "fowl" to be more comprehensive for birds in general.

Mox wants to limit this ordinance to chickens and ducks because there are different necessities and housing facilities for the different kinds of birds.

Burlett said he believes ducks require water to stand in and chickens do not.

Sorcan said ducks require three to four square feet of area per duck. Some ducks fly and prefer to be in pairs.

Mox said maybe we wouldn't recommend ducks be included or if they are, there would be additional regulations. He has also read that ducks are friendlier than chickens and maybe more popular as pets.

Vogel said provisions for duck houses will need to be added to the preliminary draft of the ordinance.

Burlett asked if there were similar noise issues with male ducks (drakes) as there are with roosters.

Mox said that up to three female ducks can be without a drake. He suggested limiting the number of ducks to three so a male would not be required.

Sorcan also asked if there was a noise concern with a drake as opposed to a rooster.

Mox said that he read roosters are louder than drakes, but hens can be loud too especially when laying eggs.

Sorcan said it also takes some time to know if there's a rooster in the flock.

Mox agreed that a rooster can be anywhere between four and six months before it starts crowing.

Burlett asked about egg production from chickens compared to ducks. He suggested that ducks might be acquired as pets rather than as egg producers.

Mox read that chickens may stop laying eggs during the colder months, while ducks would not. He acknowledged that some might want ducks as pets, but the educated backyard farmer can read that ducks produce eggs in the colder months and for longer than chicken. His biggest concern is preventing the avian influenza which has affected not just commercial production but also backyard farmers. There have been reports of avian flu in Allegheny, Washington and Greene counties, with much higher numbers in eastern Pennsylvania and West Virginia. Almost 59 million chickens have died from the Avian Flu. Domestic birds are infected from the droppings of wild birds. Humans can contract it, but the avian influenza isn't as virulent in humans. It's hard for humans to recognize that their chickens have this flu until it's affected the entire flock.

Vogel said that if there's a separate Chicken Ordinance it will be in direct contradiction to the Zoning Ordinance which doesn't allow the keeping for chickens in most zoning districts.

Mox went over regulations that neighboring townships and other model ordinances added. Dormont has a specific ordinance for chickens and added flightless ducks to it. Mt. Lebanon requires that any coop or enclosure for chickens must be located a minimum of 10 feet from any side or rear lot line and must be closer to the principal structure than any side or rear lot line and cannot be in any front yard. McCandless has a detailed application, and the requirements are listed. Also included are requirements that coops and chicken runs provide shade in the warm weather, suitable protection from inclement weather and adequate ventilation which he believes should be included in the Scott Township ordinance. A separate model ordinance states the township may periodically inspect the facilities to ensure that all conditions are continuously met. He said he'd like applicants to give their authorization for periodic inspections at any time. The model ordinance also requires the prevention of entry by burrowing. It states that the chicken run or pen shall be composed of chain link or other material to prevent entry by burrowing predators. Alternatively, a barrier to burrowing not less than one foot in depth may be placed along the perimeter of the chicken coop, chicken run or pen. Mox said someone he knows who had chickens poured a concrete pad under the coop to prevent, primarily rodents, from being able to dig under the fence. Another item mentioned is the elevation of the structure stating hen houses and coops shall be elevated at least 18 inches above the ground with an elevated floor that will prevent entry by predators. The applicant shall provide details of how manure will be properly cleaned from the henhouse and chicken coop floors. Also, odor and noise shall not be perceptible at the lot line to the extent that it results in a public nuisance or is a violation of the municipal noise ordinance. A written waste storage and removal plan shall be submitted. All stored manure shall be placed within a fully enclosed container and no more than three cubic feet of manure shall be stored. He would want each applicant to provide a narrative regarding the daily routine of chicken ownership – egg collecting, fresh food and water supplies, waste removal, etc. It needs to be understood that chickens cannot take care of themselves.

Tulowitzki related his experience with potential chicken owners in Carnegie Borough and by the time he had listed the needs of chickens most potential applicants changed their minds.

Mox said the number of chickens needs to be determined next. Minimum lot size should also be considered. In McCandless they determine the number of chickens by the size of the coop. There are several townships that

only allow three or four chickens or ducks, no matter the size of the lot. The model ordinance allows for three chickens but only for a minimum one-acre lot which wouldn't work in Scott Township. Also, the PC needs to discuss non-compliance.

Tulowitzki said that's where the permission to do inspections would come in handy. Most people will start this project with lots of enthusiasm and then six months into it they've lost interest.

Berner agreed and said that the rodent problem in Scott Township would only get worse if chickens or ducks were allowed.

Kaminski said allowing chickens and ducks would be a tremendous administrative burden on Code Enforcement with inspections and enforcement. Regarding avian flu issues - if commercial farms can't control this, how are neighborhood chicken farmers going to? Ultimately it will be the neighbors who will have to smell the coop if it's not taken care of, who will have to deal with the noise and will have to deal with the vermin that will inevitably come as a result.

Lee said he read in the Post Gazette that there's a bi-partisan movement in Harrisburg to try and stop the avian flu. Many of these model ordinances were written five years ago, before the avian flu became a problem. He said that the township shouldn't rush into deciding this. Lee said if we were to do this Chicken Ordinance there should be special setback restrictions in place.

Vogel said we would have to put "over and above" setback regulations for chickens so that residents don't use the Zoning Ordinance's Accessory Structure setbacks as a guide.

Burlett commented on the economic standpoint. In the short term, a resident will have a significant investment in the structure, the maintenance and the upkeep. What if in six months they abandon the coop because it's cheaper to go to the store to buy eggs?

Mox said there are provisions for that – if the coop isn't used for a time, it must be removed. The BOC wanted the PC to go over what they had discussed previously. They wanted the PC to review the Mt. Lebanon ordinance on chickens. There wasn't much that was beneficial except for the coop being closer to the house than to the property line. Two strikes and you're out might work for non-compliance. Meaning that if there are two violations the resident may no longer have chickens, period. Additionally, they were looking at annual inspections, a GFCI receptacle for heat, only pre-manufactured chicken coops and an education on the principles and requirements of raising a chicken.

Burlett added that there's a lot of cost on the front end and the return on investment so negligible that he could see it being more of a novelty for most people.

Vogel said it should be reported to the BOC that five out of the seven PC commissioners are against this ordinance for several reasons – they believe most residents would treat the keeping of chickens or ducks as a novelty; there is a real danger of avian flu; and the administrative resources are prohibitive.

Tulowitzki further added to expect an increase in coyotes with the addition of the food sources – feed and the chickens themselves. Financially, there's no benefit. Adding regulations like pre-manufactured coops, concrete pads and larger chicken runs might help because most backyards wouldn't be large enough for this. Maybe it should only be allowed if the property is a certain size.

Berner said there will be issues no matter how large the properties are.

Mox said he will report to the BOC that the PC is struggling with recommending anything because there's a danger that chickens will be a nuisance in the township and could also deplete the resources of the Code Enforcement Office when trying to enforce some of the provisions discussed. He will ask for more time to put something together for the BOC.

Sorcan said we are having these discussions not because owning chickens isn't a viable choice, it's because most people doing this won't take it as seriously as they should.

Lee said the limits he would want are the location on the property, two-strikes rule and annual inspections.

Burlett said the BOC could ultimately remove the PC's recommended limits. The PC should use health, safety and welfare to back-up the limits.

Mox agreed saying the PC can come up with something that won't jeopardize the health, safety and welfare of the community.

Motion by Berner, second by Burlett to table the Review and Recommendation of the Ordinance to regulate the keeping of domestic chickens (hens) as an accessory use until the May Planning Commission meeting.

All in favor
Motion Carries (7-0)

Public Comments

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

Adjournment

Motion by Burlett, second by Kaminski to adjourn the meeting.

All in Favor
Motion Carries (7-0)

The meeting was adjourned at 9:51pm

Attest: _____

