

**MINUTES  
SCOTT TOWNSHIP  
PLANNING COMMISSION  
301 LINDSAY ROAD, MAIN MEETING ROOM  
SCOTT TOWNSHIP, PA 15106  
June 7, 2023**

The meeting was called to order by Chairman Mark Mox at 7:32 p.m.

**ROLL CALL**

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

Present – 6

Absent – 1

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**

Motion to approve the Minutes for the April 5, 2023 Planning Commission Meeting

**Motion** by Berner, second by Burlett to approve the Minutes for the April 5, 2023 Planning Commission Meeting with one minor correction.

**All in favor  
Motion Carries (6-0)**

6/07/2023

Review and Recommendation of the Subdivision and Final Major Land Development Application for the development of the former Nixon Elementary School at 1000 Lindsay Road, Carnegie PA 15106.

Applicant:

David Weeber –Engineer  
KU Resources  
22S. Linden St.  
Duquesne PA 15110

Matt Cramer-Owner/Developer  
1100 Washington Road  
Pittsburgh PA 15228

Palmer reviewed and explained the comments from the Engineer's review letter dated June 5, 2023.

General Comments:

1. The street name spellings need to be consistent throughout the final plan.
2. A summary of modifications and waivers needs to be provided.
3. The plans should indicate the mailbox locations.

Mox asked if mailboxes are not allowed on the buildings or at the street.

Palmer said that was her understanding.

Cramer said a development in Washington County only wanted cluster mailboxes. He will verify.

Palmer continued with the review of the Engineer's review letter dated June 5, 2023.

Subdivision and Land Development comments:

1. Refers to the modification needed for the cul-de-sac right-of-way (ROW) radius to 50 feet.
2. Refers to a small area where the sanitary and retaining wall easements overlap – she needs clarification on how the township maintains that long-term.
3. Relates to a temporary grading easement off-site that's needed. The developer received permission from the adjacent property owner via email, but an executed easement agreement will be needed.
4. Refers to identifying the lot markers used – whether iron pins or concrete monuments.
5. Refers to ongoing coordination with the gas company.

Geotechnical Review comments:

1. Refers to missing boring logs – B-9 and B-10.
2. Required the engineer to verify and note that the stability analysis has a safety factor equal to or greater than 1.5 in the report

6/07/2023

Building Elevations comments:

1. The applicant proposes to submit these at the time of the Building Permit application.

Landscape Plan comments:

1. The applicant must indicate the depth of the toe drain on the plans.

Sewage Facilities Planning Module comments:

1. DEP approval is pending.

Public Improvements comments:

1. Relates to the swales that come off of the slope between the houses that front onto Lindsay and the houses behind them – the ordinance requires that conveyance channels carry the 100-year storm when runoff will not naturally drain to stormwater facility. They are asking for swale calculations and discussion in the geotechnical report and also verify stability.
- 2., 3. & 4. Refer to some technical specifics on the sanitary storm and water lines and some standard township requirements.

Erosion Sedimentation Control Plan comments:

1. Approval is pending Allegheny County Conservation District review.

Covenants and Restrictions comments:

1. The owner will need to provide an answer regarding any covenants or restrictions for the development.

Design Standards comments:

1. approval of waterline extension by PA American Water is needed and is pending.
2. & 3. Relate to the Developer's Agreement that would come after approval.

Grading Ordinance comments:

1. A wall design was received, and clarification is needed that the design takes into consideration the current plans.
2. Will be included in the Developer's Agreement that a geotechnical engineer certify construction occurred in accordance with the recommendations of the plans.

Stormwater Management Ordinance comments:

1. Relates to the infiltration requirements of the proposed stormwater facilities, specifically the DEP required safety factor of 2:1 that should be used in the calculations.
2. & 3. Are associated with the Operations and Maintenance (O&M) Agreement that's executed after final approval.

Mox asked if the only modification request would be the 50 ft radius ROW for the cul-de-sac.

Palmer thought there would be another regarding the material used for the stormwater access road, but it wasn't mentioned in her review.

Lee asked if it had been determined that the new homes would be less of a sewer burden than the old school.

Palmer said there wasn't a comparison between the old to the new. All the sanitary has been re-routed to Cherrytree.

Lee asked if Cherrytree sanitary line has the capacity to handle the whole property.

Palmer said that was reviewed and it was determined that under normal conditions it has enough capacity. During wet weather there are issues in the system, but historically new connections are allowed.

Mox added that during the sewer planning module process the conveyance of the sewage is evaluated to determine whether there's appropriate capacity. He asked the Developer and Engineer to verify the modification requests.

Cramer said they were intending to seek a modification for the material used for the access road to the stormwater pond.

Palmer said the ordinance requires stone or a dustproof material but because this access is in people's yards the different sort of material is preferable.

Cramer said they wanted to use the honeycomb grass paver. The grass grows up through the pavers, but it still supports the weight of emergency vehicles or vehicles that need to access that area.

Weeber added that another modification would be the 5% vertical slope minimum distance of 50 ft at the intersection of Peachtree and Cherrytree. Turning diagrams, vertical and horizontal, were provided that showed 100 feet wasn't necessary at 5%. He had a question regarding the comment that required modifications to be listed but was unsure if just a letter was needed.

Palmer said the applicant should provide official modification requests and, if granted, they would need to be stated on the plan.

Weeber said there was some concern about the sewer line behind the walls. Two revisions were made – the sanitary line behind the houses was made shallower and the sewer was pushed closer to the homes on Lindsay. He confirmed they would provide the geotechnical evaluation for the wall design and a separate wall package rather than putting it in the land development plan.

Sorcan asked that the drainage off the property and swales be looked at carefully. The neighbors nearby do not want to have any more water running down the hillsides than already existing.

Weeber clarified that the swales are just grading away from the houses and they go down to the toe of the slope. He can produce models for the 100-year storm that will give a visual representation of how much the water is going to fill up vertically and laterally. They were told to analyze Claireview, Cherrytree and then the whole property line and the analyses show that there's no increase of stormwater.

Lee asked for clarification regarding lighting in the development.

Cramer said that in the past a street light plan was designed and Duquesne Light reviews it and then does whatever they want.

Palmer said that Duquesne Light may change any plan created during construction. But if it changes so significantly that it doesn't meet the requirements of the ordinance, that's a problem and this issue may need attention during construction.

Cramer added in his experience the best-case scenario for utilities is laid out and every time the gas, water and electric companies change it. As far as the lighting plan, Duquesne Light dictates where the high street lights go and the developer dictates where the posts go on the walkway.

Mox asked for clarification regarding lighting requirements – the Township only specifies light level, not specific fixture type or height.

Palmer answered that is correct.

Weeber asked if it would be permissible to do infiltration testing during construction. That way they could make minor modifications such as increasing the surface area of the sumps to promote infiltration.

Palmer said she was comfortable with this for two reasons: First they will still need a DEP permit and it is DEP's recommended protocol. Second there are suggestions for how many infiltration pits they need to test, so it's good that they'll do more testing during construction.

Mox clarified the three modification requests: a 50ft radius right-of-way at the Peachtree cul-de-sac; turf block pavers for the stormwater detention pond access road instead of dustless stone surface; and 5% vertical slope minimum distance of 50 ft at the Peachtree and Cherrytree intersection.

**Motion** by Burlett, second by Lee to recommend approval to the Board of Commissioners for the Subdivision and Final Land Development Application for the development of the former Nixon Elementary School at 1000 Lindsay Road, Carnegie PA 15106 subject to satisfying the comments of the Engineer's review letter dated June 5, 2023 and three modification requests:

- To provide a 50ft radius right-of-way in lieu of the required 60ft radius right-of-way for the Peachtree Road cul-de-sac.
- To provide turf block pavers in lieu of a dustless stone surface for the stormwater detention pond access road.
- To provide a maximum vertical slope of 5% at the intersection of Peachtree and Cherrytree roads for a minimum distance of 50ft in lieu of a maximum vertical slope of 5% for a minimum distance of 100 ft.

**All in favor**

**Motion Carries (6-0)**

Discuss the Zoning Ordinance Update Allegheny County review and the next steps.

Mox handed out copies of the Allegheny County review of the Zoning Ordinance update. Comment #5 relating to the Essential Services Conditional Use requirement. He agrees with the county that it seems excessive to expect Essential Services or utility companies to have to go through conditional use approval process and asked Vogel to recommend something that would simplify the process for Essential Services.

6/07/2023

Vogel asked if Comment #6 regarding Medical Marijuana Dispensary and Medical Marijuana Grower/Processor, and Self-Storage Facilities the zoning districts should be more limited.

Mox said he was more concerned that there's a separation from residential use of an existing building, not necessarily the zoning district.

Palmer said that currently the conditions for medical marijuana dispensary shall not be operated or maintained on a parcel within 500 feet from the nearest point on the property line of a residential zoned property. She asked if it should be changed to "residential use" instead of "residential zoned." This is Section 3-103.3(D).

Mox answered yes.

Palmer asked if Section E where the ordinance references Medical Marijuana Grower/Processor with the same restrictions should also be changed to "residential use"; And in section F where the ordinance references Controlled Substance Treatment Facility, should this also be changed to "residential use."

Mox answered yes.

Mox suggested adding "the existing topography prohibits access to the side and rear yards" to Section 3-101.8 to satisfy the Comment #8 that references allowing outside storage of a trailer, boat or recreational vehicle in a front yard if no reasonable access to a side or rear yard is available. He said he'd want to add residential only so that commercial trailers and equipment shall be specifically excluded. Comment #9 suggested that there be a stand-alone Noise Ordinance and the steep slope regulations be rolled into the Subdivision and Land Development Ordinance (SALDO).

Palmer recalled that they didn't want the steep slope regulations in the SALDO because everyone would have to comply if it was in the Zoning Ordinance, from subdivisions to driveways.

Vogel said the county's rationale for removing the steep slope regulations from the Zoning Ordinance is that they are technical regulations, and the township wouldn't want to be inundated with variance requests related to the technical design aspects of the steep slope regulations.

Mark agreed that if it's in the Zoning Ordinance somebody could appeal to the Zoning Hearing Board which would not have the technical knowledge to make a decision on something like this.

Vogel said they could draft an independent Steep Slope Ordinance but asked who would enforce it? He asked if the Planning Commission would want to create a separate Noise Ordinance. Vogel will investigate what the proper appeal venue would be if there was an independent Steep Slope Ordinance and how the police will be able to enforce a Noise Ordinance. Because we're changing the Zoning Ordinance substantively, a revised version should be sent to the county for another review based on our answers to their review letter of April 24<sup>th</sup>.

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

Mark handed out other examples of Chicken Ordinances. Wheeling, Illinois has a comprehensive application process. He added Wheeling requires registration with the Illinois Department of Agriculture and wondered if

Pennsylvania has something comparable. Wheeling also limits the number of licenses issued per year. If someone doesn't renew the following year the next person in line can move into that slot.

Tulowitzki said this makes sense but if we limit the ability to get a license to properties over a certain square footage it may not be needed.

Berner asked if there was a way to determine how many lots in Scott Township would even qualify to have chickens based on the lot size.

Mox asked the PC to look at the handouts he provided and compare them to the Chicken Ordinance draft provided earlier this year. He asked for recommendations for additions, changes and deletions. One handout states Pennsylvania law requires a written plan for the manure and lists that this requirement is based on Chapter 91 of the Clean Stream Law. Bethel Park requires the coop size be a minimum of three-square feet for one chicken plus a minimum of two additional square feet per additional chicken. Upper St. Clair regulation is brief – no structure in which farm animals are kept may be closer than two hundred feet to any adjoining lot line. Mox also found an online course called Raising Poultry in Your Backyard that offers a certificate of completion.

Berner said that maybe having to take the course will dissuade some people from wanting chickens.

Burlett asked if someone could claim a hardship since maybe their idea of having chickens is to save money.

Vogel said no. If there's a regulation to attend a course and get a certificate, everyone will have to do it. What will be a concern is if the required course isn't available. The language will have to state the required course or an equivalent course that the township approves of.

Mox agrees. He added that nuisance of noise and odor should be added to the ordinance somehow and that the Center for Disease Control also has good videos that inform on the contamination in the manure. Mox asked Vogel if his firm would be making these changes.

Vogel said yes.

Mox said he would go over a few things with Vogel including the language used for bedding in the coop. He added making sure these regulations specify single-family residential use only so that condominiums and townhouses are not included. Size of coop and chicken run, distance from property line and screening from the street and neighboring properties should also be included.

Vogel said his associate who worked on the initial draft will call Mox.

Mox referred to Ordinance 258 from April 1946 which is an amending ordinance referencing the housing of fowl and other animals within the limits of the Township of Scott, Allegheny County, PA. Did our Zoning Ordinance already make Ord. 258 no longer valid with its language stating the keeping of agricultural animals is only permitted in an Open Space Zoning District with Conditional Use?

Vogel said he would have to do code search to verify which Zoning Ordinance repealed Ordinance 258. It will be difficult to have a Zoning Ordinance that says no chickens allowed and then another ordinance that says

we're allowing chickens but under the following circumstances. He also said that Ordinance 258 may still be valid.

Palmer asked if this Chicken Ordinance conflicts with the Zoning Ordinance.

Mox answered that the use is defined as agricultural in the Zoning Ordinance and the Chicken Ordinance states the keeping of chickens will only be permitted in single-family residential with specific regulations.

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

**Public Comments**

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

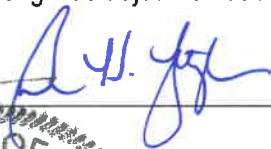
**Adjournment**

**Motion** by Mox, second by Tulowitzki to adjourn the meeting.

**All in Favor**  
**Motion Carries (6-0)**

The meeting was adjourned at 9:39pm

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



6/07/2023