

**MINUTES
SCOTT TOWNSHIP
PLANNING COMMISSION
301 LINDSAY ROAD, MAIN MEETING ROOM
SCOTT TOWNSHIP, PA 15106
September 6, 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

Motion to approve the Minutes for the August 2, 2023 Planning Commission Meeting

Motion by Berner, second by Burlett to approve the Minutes for the August 2, 2023 Planning Commission Meeting.

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

9/06/2023

Review and Recommendation of the Subdivision Plan to consolidate three parcels into one at 221 Hope St., Building 2, Carnegie PA 15106 – parcels 102-S-51, 102-S-52 and 102-S-54.

Applicant:

Duncan Nickles-Engineer
REDCON Engineering
104 Broadway St.
Carnegie PA 15106

Charles McGinnis-Owner
221 Hope St.
Carnegie PA 15106

Mox reviewed a bit of the history of this property. The plan has come before the Planning Commission before - in 2013 and 2016 and now in 2023 to consolidate three parcels into one. He referred to the Allegheny County Department of Economic Development Planning Division comments with recommended additions to the Subdivision Plan. He said there was a previous Variance granted for the two residential properties in front which will go away once all the properties are consolidated. He asked if the latest Variance granted in January 2023 should be noted on the consolidation plan.

Vogel agreed that the latest Variance that was granted for a five-foot front yard setback should be noted on the plan.

Mox asked for one more addition to the plan which refers to the plat being delivered to the owner which gives the owner 90 days from the receipt of the signed plat, rather than 90 days from when the Board of Commissioners approved the plan. He added that the street name is misspelled in the Title Block. Mox asked Palmer for any comments.

Palmer had no review comments on the consolidation plan but did agree with Mox's comments.

Mox asked the applicant to explain the relationship between XTR Solutions and Main Street Renovations.

McGinnis introduced himself as the owner of XTR Solutions as well as Main Street Renovations. Main Street Renovations leases the space from XTR Solutions. Main Street Renovations is a Construction Company.

Mox added that the property is in an Industrial zoned district and a construction company fits with this district. He asked is the applicant had any questions regarding any of the comments made.

9/06/2023

Nickles said he had no questions, and he will revise the plan per the county's comments and add the notes about the Variance and the plat receipt date. He will revise and re-submit.

Mox asked Vogel if the Planning Commission should take action on the Subdivision Plan or wait until after the Land Development Plan is discussed.

Vogel agreed to wait until the Land Development Plan has been discussed.

Review and Recommendation of the Final Minor Land Development Plan to construct a garage on the consolidated parcels at 221 Hope St., Building 2, Carnegie PA 15106

Applicant:

Duncan Nickles-Engineer
REDCON Engineering
104 Broadway St.
Carnegie PA 15106

Charles McGinnis-Owner
221 Hope St.
Carnegie PA 15106

Mox reminded the Planning Commission of the previous Variance granted for the five-foot front setback. The two front parcels were once two residential homes. Demolition permits were secured – one in August 2017 and the other in December 2021 - and both were razed. The properties were graded and gravel added. The applicant is requesting waivers of some of the requirements of a land development plan – submission of preliminary geotechnical investigation, submission of the slope zone analysis and submission of a traffic study.

Palmer suggested they may want to add a waiver for the requirement to install sidewalks.

Mox said it should be discussed and it should be asked who would be using the sidewalk.

Palmer reviewed and explained the comments from the Engineer's review letter dated September 1, 2023.

Zoning comments:

1. Refers to the variance granted for a five-foot front setback.
2. The plans do not provide a tabulation of required and provided parking for the whole site nor have designated parking areas been shown on the plans.
3. Provide a Slope Zone Analysis and other information necessary to demonstrate compliance with the steep slope regulations.
4. Confirm the presence of steep slopes and if the minimum lot area and lot coverage calculations comply.
5. Required signed certification statement relating to steep slopes not provided.

9/06/2023

Subdivision comments:

1. Refers to bonding requirement once approved.
2. The applicant should contact the Township Solicitor to initiate the preparation of the Development Agreement.
3. There are inconsistencies in the contours between the Grading Plan and the Existing Conditions Plan. This need clarification.
4. The geotechnical report should discuss construction sequencing and methods relating to the proposed retaining wall in proximity to the existing Township right-of-way.
5. The applicant has requested a waiver for the geotechnical report requirement.
6. The applicant has requested a waiver for the slope zone analysis requirement.
7. The applicant has requested a waiver for the traffic impact study requirement.
8. Revise the certificates on the plans to comply with Allegheny County requirements.
9. The entirety of the property boundary has not been included in the plans.
10. The applicant must provide documentation of reviews and approval from the Allegheny County Conservation District for an Erosion and Sedimentation Control Plan.
11. Documentation of water availability hasn't been provided.
12. Sidewalks haven't been provided along Hope Street.
13. Provide additional information relating to sanitary sewage flows in order to determine if sewage facilities planning is required. The material of the sanitary sewer lateral is not provided – SDR 26 is required for 6" diameter and smaller. Also, the trench and pipe zone detail need to comply with Township Standard Details.

Mox asked for clarification regarding what's going on inside the building because there are water lines, electric lines and heat but floor plans were not submitted as required.

Nickles said the plans are still in development. It will not be used for anything other than minor storage but will likely have a small bathroom. The interior design hasn't been ironed out, but it will be just a storage facility.

Mox said that knowing the plan of the building will determine what the sewage flows are going to be and whether a sewage planning module needs to be filed. This should be noted on the plan.

Lee suggested the owner plan for the inevitability that the building will have multiple owners, tenants and uses, and the building could eventually be used for more than just storage.

Stormwater Management comments:

1. More detail is needed in the narrative provided to include pre-and post-construction flow paths and historic and existing uses of the site.

9/06/2023

2. Provide documentation that a Stormwater Operations and Maintenance Agreement has been executed and recorded along with an Operations and Maintenance Plans once approved.
3. The plan should note the requirement for provision of a Post-Construction Stormwater Management record drawing once approved.
4. The amount of the Stormwater Facility Maintenance Fund contribution will be determined once approved.

Mox asked Palmer if she had a problem with the applicant using the gravel as existing impervious areas.

Palmer answered that she wasn't sure where the square footage numbers were coming from.

Nickles said they weren't using the gravel that's there today but rather using the footprint of the previous residential structures and sidewalks. He said they will clarify the narrative to make it clear how they came up with those numbers.

Palmer said that's what she would be looking for. She explained that they're using the Small Development provision in the ordinance. They're not discharging to any of the storm sewers or have any outfall. She will need that clarification though.

Mox said there's information missing on the site plan, land development plan as far as dimensions. One of the requirements is location. The dimensions of the building are shown but not actual dimensions from property lines to the buildings and retaining wall. He referred to the building elevations and that there are two man-doors and asked if this is accurate. If so, there must be landings outside of those doors. Additionally, is there going to be a sidewalk going to the existing building from that man door? This should be shown on the plans and included in the calculations. The height of the retaining wall would require a guard for safety. The floor plan needs to be provided along with building elevations which should include any type of architectural features, exterior building material, colors, finishes and the height of the building in feet. A concern is the grading around the building. It's flat. There's going to be a drainage structure that the downspouts will drain into, but that structure will not take on all of the water. It appears as if this extra water will flow towards the bottom of that wall or toward the foundation of the building. He said he feels very strongly that a geotechnical engineer needs to review these details and the drainage structure. He also said there should be an overflow for that infiltration trench.

Nickles said they would revisit the concerns relating to drainage and the height of the wall in the corner next to the sidewalk.

Lee said he agrees with the concern over the lack of a Geotechnical report. It appears that water will be going directly underneath the foundation and that differential settlement would be a disaster to the building. He said the elevations show four garage doors, but the floor plans show three garage doors – have they decided which they prefer? He suggested widening the building slightly to increase the parking.

Kaminski asked what was the rationale for requesting the waivers.

9/06/2023

Nickles said they don't need a full-blown Geotechnical Analysis, which costs a considerable amount of money, because they would be given the same information that they would get with the foundation design. They aren't seeking the traffic study because they aren't building a structure that's going to attract more attention or allow the owner to do anything other than store his equipment under roof inside rather than leaving it set outside. The waiver of the Slope Zone Analysis is because they are not redeveloping the site. They're taking what has become of a relatively flat area where two homes once were and putting the wall along the front and the back corner. But primarily they are trying to make this project an economical one.

Mox said they he understands the reasoning but said the only way to ensure that slopes aren't being disturbed is to show that on the plans. He said they already have the grading plan and adding the Slope Zone Analysis would be very simple. We shouldn't be looking at the plan and saying that we agree with the assumption that the slopes aren't affected – it needs to be shown that the slopes aren't being disturbed. The Township has a very strict slope ordinance, and cannot have anyone challenge that an applicant wasn't required to verify this for their project. He stated that he agrees with the reasoning regarding the traffic study. He asked Nickles to show the parking counts for the entire parcel in the parking calculations – what is required versus what is being proposed. What they're proposing by building the garage will only improve the parking because those interior spaces can be used. He doesn't see any new traffic generated from the construction of the garage. The sidewalks are something that should be looked at.

Nickles said XTR Solutions has a shared access use agreement with the property owner next door to use the driveway. If he were to install a sidewalk along his front there would be a gap between his property line and the edge of the driveway. There's also a utility box

Mox asked Nickles to take a look at the sidewalk issue there. If it's something that can be done, great. If not, a waiver request will be needed and it must state why. He could see two reasons – a water meter vault in the way and the gap created between the driveway on another property and the applicant's property.

Vogel said that given the number of comments and suggested revisions and waivers he advised the applicant to agree to delay the consideration of the land development and subdivision applications until the October meeting.

Mox said the next meeting is Wednesday, October 4, and revised plans would be due to the Code Enforcement office no later than September 20, two weeks before the meeting.

Motion by Burrett, second by Kaminski to table the Review and Recommendation of the Subdivision Plan to consolidate three parcels into one at 221 Hope St., Building 2, Carnegie PA 15106 – parcels 102-S-51, 102-S-52 and 102-S-54 and the Final Minor Land Development Plan to construct a garage on the consolidated parcels at 221 Hope St., Building 2, Carnegie PA 15106 until the October 4, 2023 Planning Commission meeting.

All in favor
Motion Carries (7-0)

9/06/2023

Discuss the new Noise Ordinance

Mox said that the Noise Ordinance was created by taking the Noise Regulations in the Zoning Ordinance and creating a stand-alone ordinance. He asked Vogel why in section 1C “residential districts” was changed to “residential properties.”

Vogel said that in doing so it would benefit those living in a residential area. Because there may be properties in the district that are not zoned residential but in fact are a residence and vice versa.

Mark said that is the very reason 1C should say “residential properties” and not “residential districts.” We have residential homes in an Industrial zoned district. It would mean if there’s a residence in an Industrial zoned district, residential regulations would be the law. That doesn’t work. A residence isn’t supposed to be in those districts. Now we’re catering to that and telling the property owners that are legally in an Industrial zoned district that they can’t make noise? That unjustly protects the residence.

Sorcan asked what about the residents who have been in their homes for many years and the zoning district was changed.

Mox said that this is something that we need to agree on to recommend to the Board of Commissioners – is it going to be properties or district? Because it will make a difference.

Vogel said that under Enforcement, making this a criminal matter as opposed to civil was necessary in order to remove noise from the Code Enforcement Officer’s bailiwick.

Mox agreed but said that language making noise enforceable by the police is missing.

Vogel said that if a noise citation goes before a judge the police can’t prosecute it by themselves.

Mox suggested that language be added under enforcement that would clarify whether the police would issue a citation and then enforced by the Code Enforcement Officer.

Vogel said he would clarify as far as enforcement.

Mox said that the majority of the complaints are going to happen in the evening when he’s not around.

Vogel suggested the Noise Ordinance be revisited at the next PC meeting.

Mox said we should vote for whether “districts” replace “properties” in 1C and if replaced, 4C should return – “Where two zoning districts in which different noise levels are prescribed, share a common boundary, the most restrictive of the noise level standard shall govern.”

All voted to return “districts” and add back 4C.

Kaminski asked about D2 and what constitutes an emergency-related use. His residence abuts a senior-living facility and their emergency generator will come on, causing noise and fumes that prevents he and his

neighbors from opening their windows or going outside. If he loses power, they can't use air conditioning, so they open windows and have noise and breath diesel fumes.

Vogel said emergency use is not defined in the ordinance.

Berner asked if the enforceable hours have always been after 9pm and before 7am. He would have thought 10pm would have been the cut off time.

Mox said yes and these times are on the website and in the noise regulations in the Zoning Ordinance.

Kaminski asked if the Code Enforcement Officer would be testing decibel levels.

Mox said the township has a decibel meter and it's stored at the police department because it was anticipated that they would need it more.

Lee asked if there would be documentation of what the decibel level was, like a printout.

Mox said that yes, he could print the readings.

Discuss the Ordinance regulating the planting of invasive vegetation species

Mox explained why this ordinance came into existence. Invasive bamboo has become an issue and the BOC wanted something to help regulate it. They didn't want to make people remove it completely but to make people aware that it would be illegal to plant new. Mox asked if the definition of "Normal Agricultural Activity" really applies to Scott Township.

Palmer reminded the board that the Zoning Ordinance has an extensive definition of agricultural use and they should be careful not to conflict with that.

Mox asked Vogel to look at that entire definition and clarify whether it was needed in the Ordinance. Under "Nuisance Weeds" he suggested adding ivy and vines. And where do shrubs fall in? The issue his office finding is that some of these plants are becoming invasive and entering a neighbor's property.

Kaminski asked if bamboo is differentiated between running and clumping. He believes the clumping does not spread.

Mox said yes. The ordinance allows it to exist but regulates it. In C1 it states that bamboo shall not be planted within 25 feet of the property line of an adjoining or neighboring property. Scott Township has some really small parcels and that number should be maybe five (5) feet or ten (10) feet. He said that some of the issues he has with overgrown shrubs can be dealt with under the fence regulations for screening if that language was kept in the Zoning Ordinance. The bamboo regulations were the most important to get right.

Palmer suggested moving the final sentence under "Nuisance Weeds" up to be the final sentence under "Noxious Weeds."

Mox agreed. For existing bamboo, the ordinance must regulate how close bamboo can exist to the neighbor's property line.

Lee suggested using the side setback for accessory use, which is ten (10) feet.

Mox said they will also have to install in-ground barriers in order to keep the existing bamboo.

Sorcan asked if bamboo grows onto another property are they responsible to remove it.

Mox didn't have an answer. He detailed several minor term changes in the ordinance including the height of Nuisance Weeds be 10 inches from grade.

Palmer said in the definition of wetlands it is defined by the Army Corp of Engineers, not the United States Environmental Protection Agency.

Mox confirmed with Vogel that he would verify if "normal agricultural activities" should remain and also look at farming laws.

Vogel said he would look into those items, as well as vegetation screening.

Public Comments

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

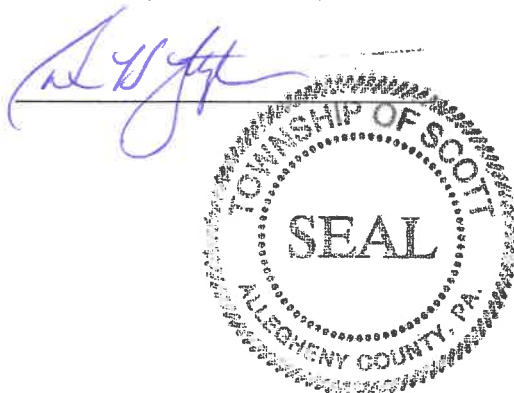
Adjournment

Motion by Sorcan, second by Lee to adjourn the meeting.

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

The meeting was adjourned at 9:15pm

Attest:



9/06/2023

