



**WEST DEER
TOWNSHIP
SUPERVISORS
PUBLIC HEARING
AUGUST 19, 2020
6:30 p.m.**

MILLER RESIDENTIAL REZONING

PUBLIC HEARING – MILLER RESIDENTIAL REZONING:

- OPEN PUBLIC HEARING
- PLEDGE OF ALLEGIANCE
- ROLL CALL
- PUBLIC HEARING ADVERTISED IN COMPLIANCE WITH THE LAW.
- PROPERTY POSTED
- ADJOINING PROPERTY OWNERS NOTIFIED VIA MAIL

THE PUBLIC HEARING IS FOR A RESIDENTIAL REZONING REQUEST FROM VICTOR-WETZEL ASSOCIATES ON BEHALF OF RICHARD MILLER, JR. FOR FIVE (5) PARCELS CONSISTING OF APPROXIMATELY 17.5 ACRES. THE PARCELS ARE LOCATED AT 4391 BAKERSTOWN CULMERVILLE ROAD AND FOUR (4) ADJOINING VACANT PARCELS.

NAME OF LAND DEVELOPMENT: MILLER RESIDENTIAL
REZONING

LOT/BLOCK NUMBERS: 2010-B-150, 2010-B-321, 2010-F-382
AND 2010-F-389

ZONING DISTRICT: R-RURAL ESTATE TO R-1 RURAL
RESIDENTIAL

THE APPLICANT IS APPLYING FOR THE REZONING OF THE PARCELS TO BUILD APPROXIMATELY 18 SINGLE FAMILY HOMES. THIS HEARING TONIGHT IS ONLY FOR THE REZONING OF THE PARCELS AND WILL STILL NEED TO GO THROUGH THE FULL LAND DEVELOPMENT PROCESS FOR THE DEVELOPMENT OF THE LAND IF THE REZONING IS APPROVED TONIGHT. THE LAND DEVELOPMENT PROCESS INCLUDES REVIEW OF SCREENING, STORMWATER, PARKING, BUILDING CONCEPT, ETC. THE LAND DEVELOPMENT APPLICATION WILL ALSO GO IN FRONT OF THE PLANNING COMMISSION FOR A RECOMMENDATION, TOWNSHIP ENGINEER REVIEW, AND GO IN FRONT OF THE BOARD OF SUPERVISORS FOR FINAL APPROVAL.

THE PLANNING COMMISSION RECOMMENDED APPROVAL FOR THE RESIDENTIAL REZONING / MILLER PROPERTY AT THEIR JUNE 25 2020 MEETING.

ALSO ATTACHED IS A NARATIVE AND MAPS FROM THE APPLICANT, PLANNING COMMISSION MEETING MINUTES DATED JUNE 25 2020, A SEWER CAPACITY LETTER FROM DCDBA, A REVIEW LETTER BY ALLEGHENY COUNTY DEPARTMENT OF ECONOMIC DEVELOPEMENT DATED JULY 24 2020, AN INFORMATIVE RESPONSE LETTER DATED AUGUST 10 2020 FROM WEST DEER TOWNSHIP ZONING OFFICE, A WRITTEN STATEMENT OF ACCORDANCE WITH THE COMPREHENSIVE PLAN FROM THE PLANNING COMMISSION, AND A DRAFT OF THE ORDINANCE.

AT THIS POINT, WE WILL OPEN THE FLOOR TO PUBLIC COMMENT.....ALL THOSE WHO ARE INTERESTED IN SPEAKING THIS EVENING, PLEASE RISE TO BE SWORN-IN.....

- IS THE APPLICANT OR A REPRESENTATIVE PRESENT FOR COMMENTS.....PLEASE COME FORWARD AND STATE YOUR NAME...
- PUBLIC COMMENTS.....

WHAT ACTION DOES THE BOARD WISH TO TAKE.

I MOVE TO APPROVE THE RESIDENTIAL REZONING AS PER THE RECOMMENDATION BY THE PLANNING COMMISSION.

	<u>MOTION</u>	<u>SECOND</u>	<u>AYES</u>	<u>NAYS</u>
MRS. HOLLIBAUGH	___	___	___	___
MRS. JORDAN	___	___	___	___
MR. MAUDHUIT	___	___	___	___
MR. FORBES	___	___	___	___
MR. KARPUZI	___	___	___	___

ADJOURNMENT/PUBLIC HEARING:

I MOVE TO ADJOURN THE PUBLIC HEARING AT _____ P.M.

	<u>MOTION</u>	<u>SECOND</u>	<u>AYES</u>	<u>NAYS</u>
MRS. JORDAN	_____	_____	_____	_____
MR. MAUDHUIT	_____	_____	_____	_____
MR. FORBES	_____	_____	_____	_____
MR. HOLLIBAUGH	_____	_____	_____	_____
MR. KARPUI	_____	_____	_____	_____



May 18, 2020

Mr. Bill Payne
West Deer Township
109 E. Union Road
Cheswick, PA 15024

Re: **Miller Property Rezoning**
4391 Bakerstown Culmerville Road

Dear Mr. Payne:

On behalf of Richard Miller, Jr., owner of 17 acres at 4391 Bakerstown Culmerville Road in West Deer Township, we are hereby requesting that this property, currently zoned R-Rural Estate be rezoned to R-1 Rural Residential. All of the property to the south of the Miller property is zoned R-1 and is where there is a sewage treatment plant that can serve this site with public sewers. The Rural Estate's three-acre lot size is based upon sanitary sewer service not being available. However, this property is uniquely able to be sewered by that treatment plant. Therefore, we believe that this rezoning is consistent with the Township's goals for R-1 zoning where sanitary sewer service is available.

The tax id's for the 5 tax parcels that comprise the 17 acres are:

2010-B-16
2010-B-150
2010-F-321
2010-F-382
2010-F-389

By separate cover, a \$300.00 application fee and a \$700.00 escrow will be hand-delivered to the Township.

Please notify me as to when this application will be presented to the Township Supervisors and Planning Commission.

Sincerely,

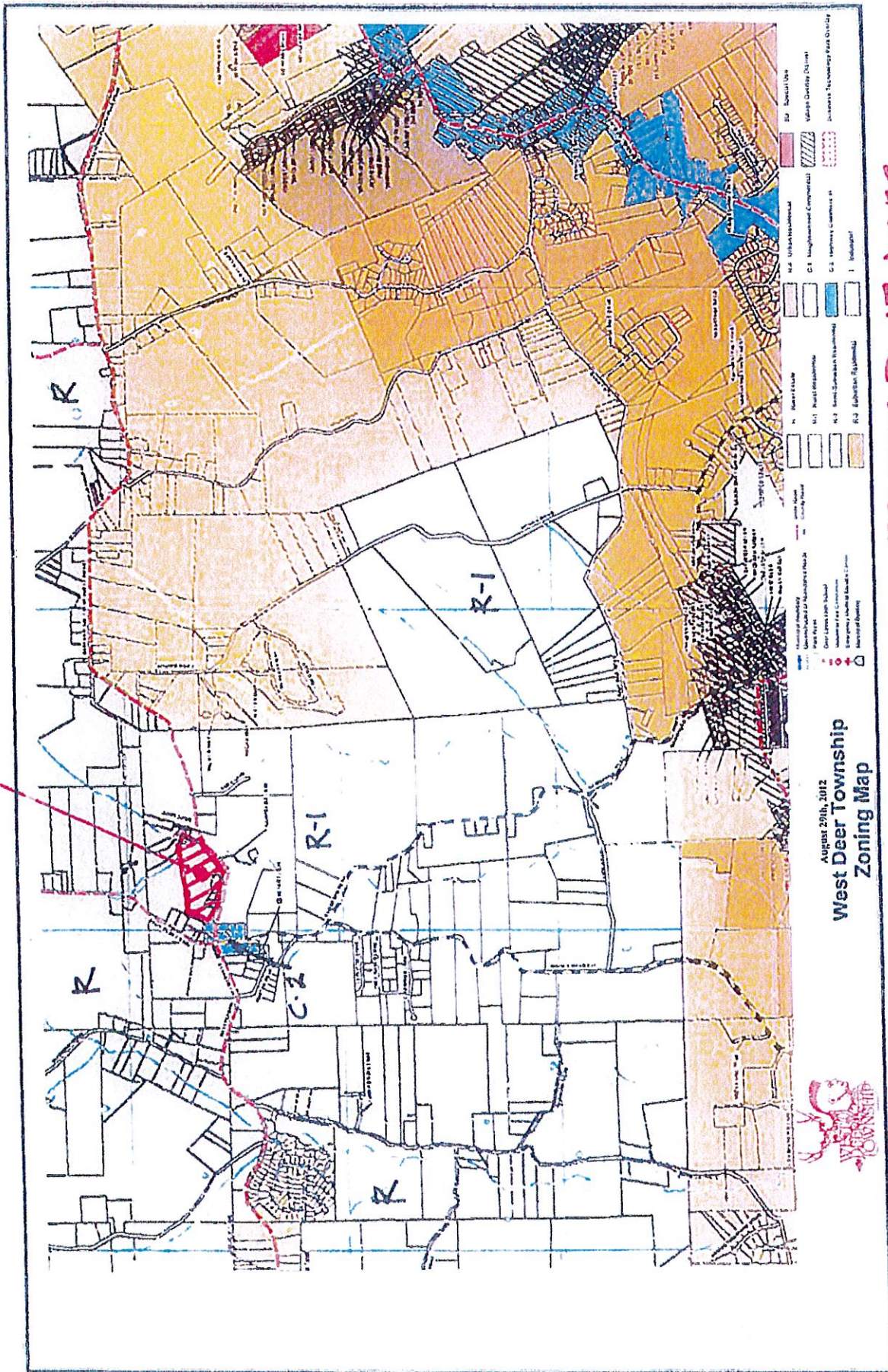
Steven Victor

Steven Victor, RLA

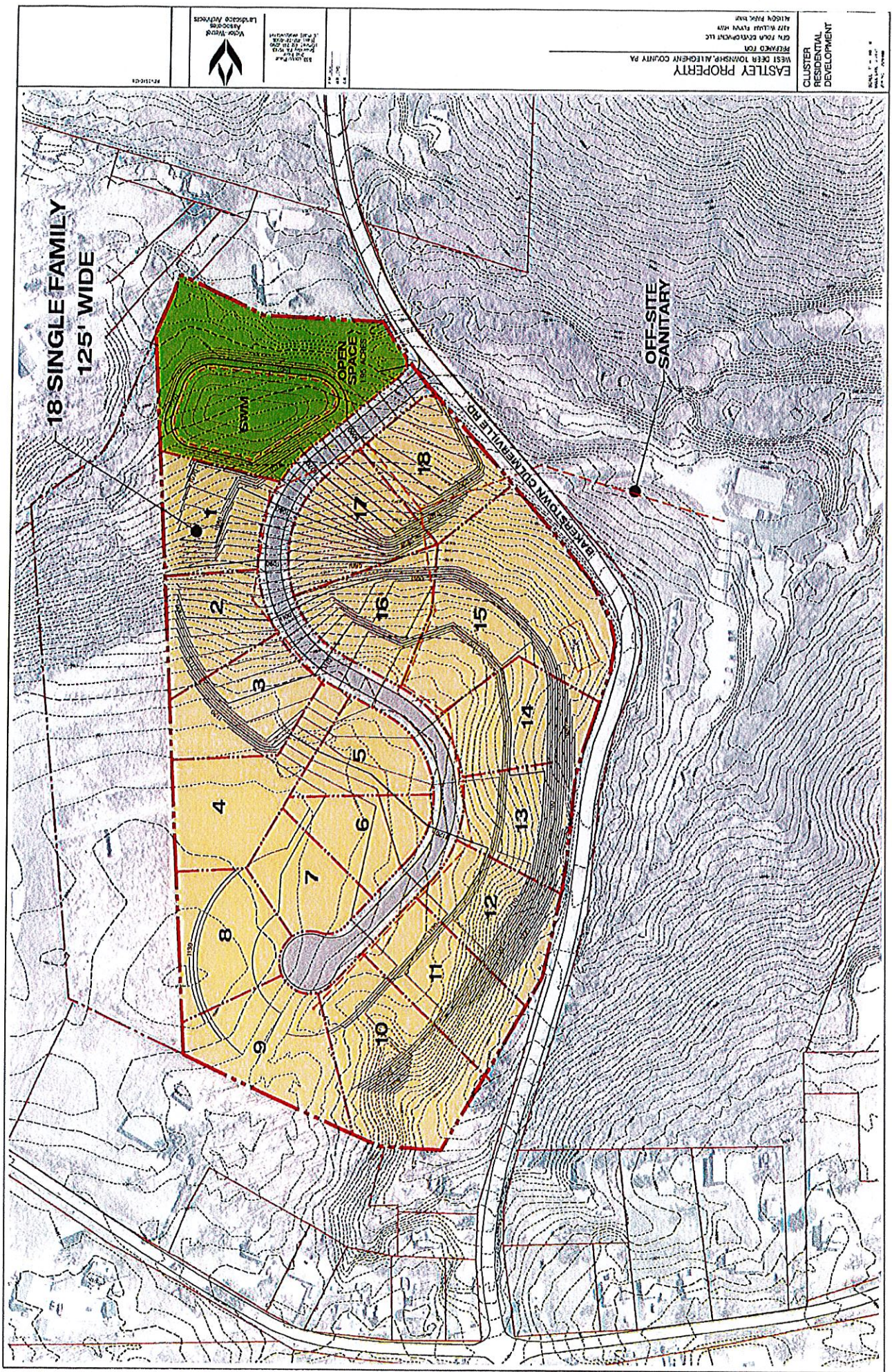
Enclosure

cc: Richard Miller, Jr.

PROPOSED R RURAL ESTATE TO
R-1 RURAL RESIDENTIAL REZONING



PROPOSED 17 ACRE
REZONING



18 SINGLE FAMILY
125' WIDE

SWM

OPEN SPACE

BANKS OF THE STREAM

OFF-SITE
SANITARY

WEST DEER TOWNSHIP PLANNING COMMISSION
JUNE 25, 2020

Mark Schmidt called the Meeting to order with the following members in attendance:
John Butala, Patrick Stark, Robert Bechtold, and Alan Banks.

Absent Members: Kathy Rojik, Suzanne Garlena.

Other Attendees: William Payne (Code Enforcement Officer)
Sandy Nelko (Attending for Scott Shoup (Shoup Engineering))
Dorothy Moyta (Zoning & Planning Administrator)

February 27, 2020 minutes were submitted and stand approved. (March, April, and May meetings were cancelled due to Covid-19 Pandemic)

A Sign in Sheet is attached to these notes. (See attachment.)

Outline and Order of Meeting:

1. Approval of February meeting Minutes (Gas Well – Olympus Presentation)
2. Conditional Use Request – Leo's Landscaping: Gibsonia Rd., Gibsonia, PA 15044
3. Miller Property Rezoning: 4391 Bakerstown Culmerville Rd., Public Comments
4. Workshop Meeting: Public Comments
5. Municipal Ordinance Updates/ Code Revisions/ Zoning Review
6. Post Meeting: Traffic Impact Reorganization

LEO'S LANDSCAPING – CONDITIONAL USE REQUEST

Gibsonia Rd., PA 15044 – Zoned SU (Special Use)

Represented by Joe Leo, Leo's Landscaping (Owner, 3 Years)

Comment Sheet (2 pages) from Scott Shoup of Shoup Engineering was distributed at the meeting and is attached to these notes. (See attachment) A comment Sheet (3 pages) from David Swab of Hampton Technical Associates was distributed at the meeting and is attached to these notes. (See attachment)

Comments included:

1. Alan Banks stated that on the plans submitted, it appears that we are moving from a residential to a more commercial use. Also, trees and screening is required per West Deer Ordinances.
2. Joe Leo stated that they are seeking approved conditional use first and then they will comply with all land Development requirements.
3. Robert Bechtold asked why there are parking stalls there. Are you landscaping or storing?

4. Joe Leo stated that they will store dump trucks, excavators, bobcats, and landscaping supplies. Storage is the primary use of the proposed building and it will also have a small office space.
5. The parcel is next to Kress Tire.
6. John Butala asked what the major activities would be.
7. Joe Leo stated that the crews would be meeting there at 7:00 AM to load up and then would move out to perform landscaping jobs from grass cutting to patio installation. There would be no showroom or sales center there on the site.
8. Mark Schmidt asked what they would be storing there and what type of noise levels were to be expected as this is near a housing area.
9. Joe Leo stated that they have 9 dump trucks (2 Ford F 450's, remaining trucks are smaller), lawnmowing equipment, and trailers. Joe would address any legitimate noise complaints.
10. The noise may be an issue and 7 AM may be too early; perhaps trucks could be loaded the night before. Bill Payne said that the updated noise ordinance will be published soon that they must comply with. There have been noise complaints in the past in that area so they need to be aware of noise sensitivity.
11. John Butala suggested screening for noise. Alan banks felt that there was a natural buffer wall to the housing up above.
12. Robert Bechtold felt that the very early loading of salt in the winter would annoy residents. Joe Leo stated that many of their large customers such as Cranberry Mall and Ashland Chemical have salt already stored on their sites so that may cut down on some noise. Also, in the winter, Leo's will have an additional auxiliary yard.
13. Robert Bechtold stated that Leo's must comply with the sound ordinance in regard to what hours the business can be run and at what level of noise. Parking needs to be identified on the site plan.
14. Bill Payne asked whether the 30' x 50' building would be enough to hold all the vehicles and equipment. Joe Leo said that the building would not hold everything and some things would be stored outside. Bill Payne stated that equipment stored outside must be screened properly and must be road legal. All non-road legal vehicles or equipment shall be stored inside the building. Also, bulk bins must be screened.
15. Joe Leo said that in lieu of a Stormwater retaining pond that they are considering a rainwater garden and water feature.
16. Robert Bechtold stated that this use would not include sales or bringing customers in.

17. Joe Leo asked if there was a possibility that he could have an office and bring clients there to meet in the future. He would need to talk to Bill Payne and get a building permit for the fitment of an additional office space.
18. Alans Banks said that Joe needs to make the business look good, but that it fits in with Kress Tire and other industrial type businesses adjacent to the lot. Alan felt that it was a good use for the topography.
19. John Butala said that Leo's must meet all requirements in land development.

First motion by Mr. Stark and second motion by Mr. Bechtold to **RECOMMEND APPROVAL**, voting was unanimous.



MILLER PROPERTY REZONING – REZONING REQUEST

4391 Bakerstown Culmerville Rd– Zoned R Rural Estate: Seeking to rezone to R-1 Rural Residential

Represented by Michael Wetzel, Victor Wetzel Associates

Presentation Sheet (2 pages) (**See attachments**) from Victor Wetzel associates was distributed at the meeting and is attached to these notes. Michael Wetzel presented several diagrams at the easel that were also shown on the screen (**See attachments**)

Michael Wetzel showed the proposed 17 Acre area to be rezoned. The eastern section of the area is sloped.. the lots are approximately 125' wide. There are 18 single family lots with homes planned from, \$600,000.00 to 1 million dollars. If rezoning is approved, they can move ahead with development. Lot 15 is larger as it encompasses retaining a historic barn existing on the property. The sewage system is gravity fed and will run off an existing nearby plant; there is enough capacity. They will keep the current topography, and there will be an HOA associated with this development. All buffer requirements will be adhered to.

Comments included:

1. Mark Schmidt asked how close to capacity is the current sewage plant and what happens if you cannot utilize the plant.
2. Bill Payne said that the plant currently has capacity for 133 family homes and is servicing Hampshire State apartments. There are currently 56 apartments and apartments do not produce as much volume a single-family home.
3. Deer Creek Drainage Basin Authority owns the plant and is looking to do upgrades. Currently Deer Creek Drainage Basin Authority has a permit to discharge treated waste into the creek.
4. John Butala asked whether there was a certified operator at the plant and it was thought that at least one was employed part time in that capacity. Bill stated that the regulation authority for their permit will ensure it is run correctly.

5. Robert Bechtold felt that the recommendation on rezoning should be conditional on the confirmation of available sewage.
6. Terra Bradley of Eastley's Farm came in to ask some questions and voice concerns. She wanted to know what other housing developments Mr. Miller had built. Woodwinds of Hampton is a plan of houses developed by Mr. Miller.
7. Terra Bradley was concerned about the location of the housing development. It's on a nasty and steep curve off of Bakerstown Road. The existing drive into the area is unsafe
8. It was pointed out that when the development goes through the land development process, the highway occupancy permits and sight lines would be addressed.
9. The timeline to start building is looking at 2021.
10. Robert Bechtold commended the larger lot 15 where the 200 year old barn is being preserved.

First motion by Mr. Bechtold and second motion by Mr. Butala to **RECOMMEND APPROVAL**, voting was unanimous.

WORKSHOP ON GAS DRILLING:

Sheet with recent report on the fracking industry and new recommendations was handed out by Jo Resciniti. (1 pages) (See attachment)

Comments included:

1. Tim Resciniti reference the report handed out. It was just release 6.25.2020 by the PA Attorney general Josh Shapiro. He is looking for Olympus to give a full written response to the report and for that to be distributed to the public. He wants the Dionysus and Leto wells to be tabled for 30 days after Olympus gives their response to the report released by the Attorney General.
2. Tim Resciniti also feels that the following ordinances/ issues have not been addressed in reference to the Dionysus and Let Gas Well sites:
 - a. 210-120 Conditional use standards
 - b. 210-5
 - c. Paragraph 21 Critical reading of Zoning ordinance
 - d. Definition of a deep well site
 - e. Setbacks are not being measured to the drilling pad.
 - f. In the Erosion and Sedimentation plan, the equipment is off of the well pad.
 - g. Clarify what is part of the well site
 - h. Define a structure; IE is the stockpile, sediment basin, or culverts a part or structures
 - i. Need MSDS sheets
 - j. Dollar general – Who owns the mineral rights ?
 - k. Has the landowner signed the lease?

3. Mark Schmidt talked about touring the site and addressing screening while we were on the site.
4. Robert Bechtold said that the noise ordinances in place would need to be adhered to. The trucks were not counted in the decibel level by Olympus as they are considered ambient noise.
5. The Public hearing will allow for all comments from the Public to be heard and recommendations will be taken in consideration.
6. Marcy Brusset asked that due to the Covid-19 restrictions, could the public hearings be broken down into several smaller hearings and that is being taken into consideration.
7. Ms. Rattani from Indiana County testified to the noise and safety issues that they are now experiencing with the gas well several miles from one of their Fox Chapel elementary schools. The noise is bad and the trucks speed. The company does not care about \$5000.00 fines. Create high fines that have teeth.
8. There was some talk about raising fines for future wells but the Dionysus and Leto wells will adhere to current fine as the applications are already received.
9. Bill stated that the noise issues and road bonding has already been discussed and we are awaiting Olympus' response to our questions.
10. Gary Torick from Palmer Way stated that he felt that the public hearing could be held at the school. He was also concerned about an evacuation plan for the schools in the case of a catastrophic event.
11. Bill Payne said that each well site has an evacuation plan, protocols in place, and automatic shut off valves. The schools also have evacuation plans in place.
12. Gary Torick was also concerned about how they would evacuate Bairdford park in the event of an emergency with all the sports teams. (Gary also mentioned that aside, the coaches were not wearing masks for Covid-19 and that was concerning to him.)
13. Marcy Brusset wanted to know what is Olympus' track record on air quality and is there anything in the West deer ordinances on air quality as pertains to gas Well sites.
14. There is only reference to dust in the ordinance, but Bill Payne stated that the Township has contacts with Allegheny County as well as the DEP that the Township can utilize if needed to accelerate complaints.
15. Arlind Karpuzzi stated that every concern will be heard and that West deer will discuss partnering with the School district for their regular Supervisor's meeting to allow for more people in the meeting.

ZONING REVIEW/ CHANGE TO GROW COMMUNITY:

1. Bill Payne showed an area in the northwest portion of the Township next to Richland that is thought to be a good area to rezone to facilitate larger homes. This area would be rezoned RE Residential Estates. The area was shaded in orange. (See attachment.)
2. They would be larger homes on larger lots: 1.5 acre minimum with 200' wide frontage. With the front setbacks being 75 and 35' for side yards.
3. Possible tax abatements were discussed to be associated with the new RE Zoning District. A formal abatement program would still need to be developed and agreed on by the School district and Allegheny County. Residents building on these lots would get 3-year tax abatements. No property taxes would be paid for 3 years. In the future if demand for this type of Development increases existing abutting housing plans can be created.
4. This new RE zone may need to be expanded.
5. Flag lots may be the answer to development layout..
6. This area has public sewage and water available from Richland Township's existing housing developments..
7. Any home built prior to 2020 doesn't have to conform to these new setbacks.
8. Robert Bechtold felt that we should keep the properties on both side of the red belt as is now.
9. The tax abatement that we are considering is called LERTA, Local Economic Revitalization Tax Act District.
10. Bill Payne is looking at how to include in the new zoning that these would all single family detached dwellings.
11. Continued to the July Planning Meeting

MUNICIPAL ORDINANCE UPDATES/ CODE REVISIONS/ ZONING REVIEW

Bill Payne presented updates suggested for the West Deer Ordinance to include allowing chickens and Community Owned gardens (COGS). (See attachment - 31 Pages.) updates were made, but this was also continued to the July Planning Meeting. A copy of the latest Chicken related inquiries and comments was distributed. (See attachment - 1 Page.)

TRAFFIC IMPACT

Reorganization meeting followed Planning Commission meeting



DEER CREEK DRAINAGE BASIN AUTHORITY

PO BOX 148, 945 LITTLE DEER CREEK ROAD, RUSSELLTON, PA 15076
PHONE: 724-265-5315 FAX: 724-265-2144
WWW.DEERCREEKAUTHORITY.COM

July 1, 2020

Steven Victor
Victor-Wetzel Associates
409 Broad Street, Suite 270
Sewickley, PA. 15143-1554

Re: **Proposed 18 EDU Single Family Residences**
2010-B-16, 2010-B-321, 2010-F-389 & 2010-F-382
Bakerstown Culmerville Rd., West Deer Township, Allegheny County, PA

Dear Mr. Victor:

This letter is to advise that the Authority's Engineer has reviewed the proposed plan for the above-referenced property. With the planned upgrade of the Hampshire Estates Treatment Plant and upon extension of a sanitary sewer line to the treatment plant, there is sufficient capacity to provide service. An engineered sewer plan and profile will be required before final approval can be granted and a Developer's Agreement must be entered into with the Authority.

If you have any questions on this information, please do not hesitate to call.

Sincerely,

DEER CREEK DRAINAGE BASIN AUTHORITY

A handwritten signature in blue ink that reads "Lynn Biery".

Lynn Biery
Authority Manager



July 24, 2020

William Payne
Zoning and Code Enforcement Officer
West Deer Township
109 East Union Road
Cheswick, PA 15024

**RE: West Deer Township - Proposed Zoning Map Amendment -- Properties Along Bakerstown--
Culmerville Road**

ACED File #: 20042-OR

Mail Date: June 26, 2020

45 Day DL: August 10, 2020

Dear Mr. Payne:

The Planning Division of Allegheny County Economic Development (ACED) has reviewed the aforementioned matter pursuant to the Pennsylvania Municipalities Planning Code (MPC). As a result, the County offers the following for your consideration.

GENERAL OVERVIEW

The proposed ordinance is an amendment to the Township of West Deer Zoning Ordinance and Zoning Map changing the zoning designation of certain properties located along Bakerstown – Culmerville Road from R-Rural Estate District to R-1-Rural Residential District and amending the zoning map accordingly.

COMMENTS

Upon review of the ordinance, the following comments are offered for your consideration:

1. Please note that the subject property is surrounded by the following zoning designations:
 - a. North – R;
South – R-1;
East – R;
West – R/C-2
2. A review of aerial images notes that the subject property is located along a rural two-lane residential road.
3. As with any zoning map amendment, it is recommended that the municipality consult with their Comprehensive Plan as well as the Allegheny County Comprehensive Plan. As a result of reviewing

Indian and West Deer Township's Joint Comprehensive Plan of 2010, the following comments are noted for your consideration:

- a. One of the objectives of the Township is to "Review zoning ordinances to ensure that allowed densities are consistent with and complimentary to transportation infrastructure plans." (76)
 - b. In addition, it should be noted that the Comprehensive Plan states that "the Rural Residential (R-1) district makes up 10.5905 square miles of the township, consisting of 36.76% of total township property. The district makes up the largest amount of total township land compared to all other zoning districts. . ." (64)
 - c. Upon further review of the Township zoning map, it is clear that a significant portion of the Township is zoned R-Rural Residential District as well, which permits single family detached dwellings of 130,680 square feet. In the R-1 district, lot sizes are permitted to be one acre. Both districts also permit cluster development, which is permitted at 87,120 square feet in the R district and 21,780 square feet in the R-1 district.
 - i. As a result, it is our recommendation that the Township update the Comprehensive Plan and carefully review these requirements. Given that the R-1 district has a significantly reduced lot size of only one acre, it can be expected that there will be a "domino effect" of other properties requesting rezoning. This could result in haphazard development in the R-Rural Residential District block of the Township. If properties are sporadically rezoned to R-1, there will be properties with large residential lots in addition to smaller lots resulting in a disjointed development pattern thereby eroding away the vision of the R District. This will be further magnified if there is cluster development scattered throughout as well.
 - ii. Given this concern, it is our recommendation that the Township carefully review the R-Rural Residential areas of the Township. As opposed to arbitrarily rezoning properties, an appropriate vision and lot size could be determined, which also factors in the provisions and lot sizes of cluster development.
 - d. MPC §§303(a)(3) and (b) provide that when a municipality has adopted a comprehensive plan, any subsequent action to amend the zoning ordinance shall be submitted to the planning commission. The planning commission's review shall include a written statement as to whether or not the proposed action is in accordance with the objectives of the comprehensive plan. If a rezoning is adopted that isn't generally consistent with the comprehensive plan, per MPC 603(j), the municipality shall concurrently amend its comprehensive plan.
3. As with any rezoning request, it is important to note that the municipality is rezoning to a district, not a plan. As a result, if the subject property is rezoned, it should be noted that the property can be developed in accordance with any of the permitted uses within the R-1 District. As a result, the Township should not rezone any request based on any representation of any plan.
 4. It should also be ensured that there is adequate infrastructure with respect to the proposed rezoning request. For example, additional lots will impact the roadway network. Has this been given consideration, especially as it relates to what improvements may be necessary from a development

standpoint? Finally, we do have concerns with respect to the adequacy of water and sewer facilities as well. When there are rezoning requests with more lots, there is a significant impact. As a result, these facilities cannot be appropriately planned without a clear vision of future development patterns, primarily the number of dwellings.

- a. In addition, this impact is a concern for the School District as well. When properties are rezoned and additional unexpected residential lots are developed, the School District cannot adequately plan for future enrollment.
5. Overall, it is our recommendation that rezoning not take place in a vacuum, but rather as part of a vision from a larger-scale perspective of the Township. As a result, this would be a good opportunity to update the Comprehensive Plan while taking some of these points into consideration. Zoning changes should be viewed from a holistic perspective. This includes current required lot sizes and cluster provisions. In addition, the amount of available developable land should be evaluated in this analysis as well.
 6. Procedurally, there are some important requirements for enacting proposed zoning map amendments to keep in mind:
 - a. Since the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the municipality at points deemed sufficient by the municipality along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing.
 - b. MPC §609(2)(i) also requires that when proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by the municipality at least thirty (30) days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned as evidence by tax records within the possession of the municipality. This clause shall not apply when the rezoning constitutes a comprehensive rezoning, pursuant to Section 609(2)(ii).

If the proposed amendment is adopted, please send a copy of the fully executed ordinance to the County, including the signed and dated signature pages, within 30 days of adoption as required by the MPC. If the proposed amendment is modified, please resubmit the ordinance for review and reference the ACED file number for this review in your request.

Feel free to direct any inquiries or comments to my attention at 412.350.1361 or wmclain@allegHENYcounty.us.

Sincerely,



William McLain
Planning Division

WM:mts



Chairman of the Board
Arlind Karpuzi

Vice-Chairperson of the Board
Shirley Hollibaugh

Township Manager
Daniel J. Mator, Jr.

8-10-20

RE: Comments on Allegheny County letter dated July 24 2020 for Miller rezoning.

Board of Supervisors

I have received a letter from Allegheny County Department of Economic Development with comments on the proposed rezoning of the Miller rezoning located at 4391 Bakerstown Culmerville Road and 4 adjacent parcels consisting of approximately 17.5 acres. In the letter several comments were made by the Department and wanted to provide more information on those comments and explanation where needed. I have attached their comment letter for reference.

Comment 1

- States the sounding zoning districts are R, R-1, and C-2.

Comment 2

- Stated the properties are located on 2 rural roads.

Comment 3

- References the Township Comprehensive Plan
 - a. In regards to reviewing the allowed densities in accordance to the transportation infrastructure the following are found:
 1. Bakerstown Culmerville Road is a state road which has a high weight limit and commonly used for hauling.
 2. The area to be rezoned is approximately 17.5 acres which would allow approximately 17 new homes in conventional development and a maximum of 35 new homes if a cluster development was utilized.
 3. A highway occupancy permit will need to be obtained from PennDot and sightline will be addressed at the intersections of any new roads constructed.
 - b. R-1 zoning district is the largest at 10.5905 square miles. If the rezoning passes it would add 0.02734375 square miles to amount giving a new total of 10.61784375 square miles. The second largest zoning district is R-2 with 7.18 square miles.
 - c. A significant portion of the road is zoned R Rural estate with 3 acre lots and the R-1 rezoning would allow 1 acre lots.
 - i. They recommend that the comprehensive plan is reviewed and updated because it may cause a “domino effect” of other properties requesting rezoning. The comprehensive plan is 10 years old and was designed for a 10 year growth strategy. I do not feel that there will be a “domino effect” on zoning request because of lack of public sewage in the R zoning

109 East Union Road, Cheswick, PA 15024

724.265.3680

www.westdeertownship.com

district. This particular rezoning request is unique because it has access to a small sewage treatment plant located across the road at Hampshire Estates. The plant is owned and operated by Deer Creek Drainage Basin Authority. The plant has capacity and we have received a letter confirming 18 EDU Single family residential taps have been reserved for the development if it is rezoned to R-1. The small treatment plant was designed to have a capacity for 133 single family homes and currently services 48 apartment units.

- ii. A review of the R zoning district was done by the Planning Commission and it was found that with the lack of public sewage a larger lot is needed than 1 acre to account for the installation of private sewage systems and back up sites for those systems in new residential developments. Until public sewage became readily available the current R zoning district is appropriate. The Planning Commission also discussed the removal of the cluster developments from the Zoning Ordinance.
- d. The Planning commission has reviewed the request and has recommended approval. See attached statement.

Comment 4 (typo has two number 3s)

- The Planning Commission has acknowledged and took into consideration that if the rezoning is passed the properties could be developed in any manner that the R-1 zoning designation allows and is comfortable with that possibility.

Comment 5 (labeled as 4)

- The Planning Commission has discussed the impact of both the proposed additional 18 single family homes as well as the maximum amount (35 single family homes) on the roadway network. They felt that the roadway would adequately handle the increased use and the traffic count would not pose a danger to the community. Discussion was held concerning the location of the proposed properties development in regards to the entrance location due to topography and existing layout of Bakerstown Culmerville road by the property. With Bakerstown Culmerville being a state road a highway occupancy permit will need to be obtained and they will look at the sight lines of any proposed development. The Township can also review the proposed entrance to ensure safe ingress/egress from the development. Oakmont water does have a public water line located on the other side of Bakerstown Culmerville Road that could supply public water to the development. Public Sewage could be provided through Deer Creek Drainage Basin Authority by way of the small treatment plant that is located across the street as well. The proposed rezoning area sits at a higher elevation so a gravity fed line could accommodate any development on the rezoned parcel. See attached letter of capacity for the sewage.
- a. I have reached out to the school district's business manager's office and have informed them of the rezoning request.

Comment 6 (labeled as 5)

- Allegheny County Economic Development recommends that rezoning is done only as a larger-scale perspective of the Township. They again mention updating the

comprehensive plan while looking at lot sizes and cluster provisions while taking into account available developable land. The Township as a whole has had several conversations about updating both the Zoning Ordinances and the Comprehensive plan. The Planning Commission has reviewed the entire current zoning ordinance and made comments on it. The zoning office is still compiling those comments into something that will be reviewed by the Solicitor and Board of Supervisors when ready.

Comment 7 (labeled as 6)

- Allegheny County Economic Development noted that there are some procedural items that must be complied with which are as follows:
 - a. Property was posted conspicuously around the property frontage.
 - b. Notice of public hearing was mailed out to neighboring residents. See attached list.

Sincerely,



William Payne
Code Enforcement Officer
West Deer Township



Chairman of the Board
Arlind Karpuzi

Vice-Chairperson of the Board
Shirley Hollibaugh

Township Manager
Daniel J. Mator, Jr.

26 June 2020

RE: Miller Rezoning

Board of Supervisors:

On June 25 2020 at the regular Planning Commission meeting the Miller rezoning was discussed as an agenda item. It was found that the proposed rezoning action is in accordance with the objectives of the formally adopted comprehensive plan adopted on August 18th of 2010 by West Deer Township based upon the following findings of fact:

- 1) Public Water is available to the site
- 2) Public Sewage is available to the site.
- 3) The Commission views this as an extension to the existing R-1 zoning district located to the southwest. To be connected in the future.

Sincerely,

Mark B Schmidt

Mark B. Schmidt
West Deer Planning Commission

WILLIAM & CINDY EASTLEY JR
1020 DEER CREEK RD
GIBSONIA, PA 15044-7013

JANIS A DEVANDO
1048 DEER CREEK RD
GIBSONIA, PA 15044-7013

DAVID S & PHYLLIS R BAGALEY
15 BAIRDFORD RD
GIBSONIA, PA 15044-7875

TIMOTHY & SANDRA FLIS
5 LILAC LN
GIBSONIA, PA 15044-7700

WILLIAM P KOYNOCK JR
1055 DEER CREEK RD
GIBSONIA, PA 15044-7014

OPEST THOMAS A & MARIAN
1002 DEER CREEK RD
GIBSONIA, PA 15044-7013

TIMOTHY & SANDRA FLIS
21 LILAC LN
GIBSONIA, PA 15044-7700

HARRY A ARBUTHNOT
4288 BAKERSTOWN
CULMERVILLE RD
GIBSONIA, PA 15044

ERNEST J & DANA KOEBERLEIN
4481 BAKERSTOWN
CULMERVILLE RD
GIBSONIA, PA 15044-7706

SCOTT A RALEY
4434 BAKERSTOWN
CULMERVILLE RD
GIBSONIA, PA 15044-7701

LANG ERIC & LISA
1064 DEER CREEK RD
GIBSONIA, PA 15044-7013

SCOTT B KNIGHT
28 LILAC LN
GIBSONIA, PA 15044-7700

COPAM PROPERTIES INC
PO BOX 158
143 MAIN ST
CALLERY, PA 16024-0158

JAMES V & MARCIA L HARBISON
1066 DEER CREEK RD
GIBSONIA, PA 15044-7013

**PAUL GARY LUTZ & SHERRY ANN
KLING**
14 LILAC LN
GIBSONIA, PA 15044-7700

**BD OF DIRECTORS OF THE DEER
CREEK DRAINAGE BASIN AUTH.**
PO BOX 148
RUSSELLTON, PA 15076-0148

LSF9 MASTER PARTIC. TRUST
3630 PEACHTREE RD NE
STE 1500
ATLANTA, GA 30326-1598

JOHN & BARBARA MCCLOSKEY
4348 BAKERSTOWN
CULMERVILLE RD
GIBSONIA, PA 15044-7874

JOSHUA T & CRYSTAL R MARTIN
4364 BAKERSTOWN
CULMERVILLE RD
GIBSONIA, PA 15044-7874

JOSEPH M & CAROLYN M DANKO
3 BAIRDFORD RD
GIBSONIA, PA 15044-7875

JOHN & BARBARA MCCLOSKEY
16 BAIRDFORD RD
GIBSONIA, PA 15044-7876

JESSICA L JOHNSON
4365 BAKERSTOWN
CULMERVILLE RD
GIBSONIA, PA 15044-7877

MICHAEL & LINDA BERGMAN
7 BAIRDFORD RD
GIBSONIA, PA 15044-7875

JAMES H & VIRGINIA SCHWARTZ
4334 BAKERSTOWN
CULMERVILLE RD
GIBSONIA, PA 15044-7874

JASON A & HEIDI HARTLE
1044 DEER CREEK RD
GIBSONIA, PA 15044-7013

WEST DEER BIBLE CHURCH
PO BOX 133
GIBSONIA, PA 15044-0133

LEE ANN SIEJA
54 HUNTER RD
GIBSONIA, PA 15044-7759

**HARRY A, BARBARA J. &
TODD A. ARBUTHNOT**
1043 DEER CREEK RD
GIBSONIA, PA 15044-7014

FREDERICK W & DARLA J LINN
13 BAIRDFORD RD
GIBSONIA, PA 15044-7875

**OFFICIAL
TOWNSHIP OF WEST DEER
ORDINANCE NO. _____**

**AN ORDINANCE OF THE TOWNSHIP OF WEST DEER,
COUNTY OF ALLEGHENY, COMMONWEALTH OF
PENNSYLVANIA, CHANGING THE ZONING DISTRICTS OF
CERTAIN PROPERTIES LOCATED ON BAKERSTOWN -
CULMERVILLE ROAD IN THE TOWNSHIP OF WEST DEER
FROM R ("RURAL ESTATE DISTRICT") TO R-1 ("RURAL
RESIDENTIAL DISTRICT") AND AMENDING THE ZONING
MAP OF THE TOWNSHIP OF WEST DEER ACCORDINGLY**

WHEREAS, the Board of Supervisors of the Township of West Deer has the power to protect the health, safety, and welfare of people and property in the Township through its zoning authority; and

WHEREAS, the property located at 4391 Bakerstown-Culmerville Road (identified as Parcel I.D. No. 2010-B-16 in the Allegheny County Department of Real Estate) and certain adjoining properties located on Bakerstown-Culmerville Road identified as Parcel I.D. Nos. 2010-B-321, 2010-B-150, 2010-F-389, and 2010-F-382 in the Allegheny County Department of Real Estate (collectively hereafter, the "Subject Properties") are currently located in the R ("Rural Estate District") Zoning District in the Township of West Deer; and

WHEREAS, the owner of the Subject Properties has requested that the Board of Supervisors consider amending the official Zoning Map of the Township of West Deer by rezoning the Subject Properties from R ("Rural Estate District") to R-1 ("Rural Residential District") in anticipation of future development of the Subject Properties; and

WHEREAS, the Township of West Deer, pursuant to the provisions of the Pennsylvania Municipalities Planning Code, has submitted an appropriate draft zoning amendment to the Township of West Deer Planning Commission and the Allegheny County Department of Economic Development for their review and recommendations, and, further, has properly advertised and held a public hearing on the requested zoning map amendments and, in

connection therewith, has conspicuously posted the affected parcels of land and mailed notices to the property owners within the area to be re-zoned; and

WHEREAS, the Board of Supervisors of the Township of West Deer, after the aforementioned public hearing and after careful review and consideration of the recommendations of the Planning Commission, the Allegheny County Department of Economic Development, and also the comments of the public, has determined that the amendments to the zoning map as set forth herein are appropriate as they will promote the most efficient and effective use of the Subject Properties, and further, that such rezoning will not negatively affect the character of the surrounding neighborhood.

NOW THEREFORE, the Township of West Deer hereby ordains:

Section 1.

The Zoning Map of the Township of West Deer is hereby amended so that from and after the effective date of this Ordinance, the Subject Properties located on Bakerstown-Culmerville Road identified as Parcel I.D. Nos. 2010-B-16, 2010-B-150, 2010-B-321, 2010-F-389, and 2010-F-382 in the Allegheny County Department of Real Estate, which are more fully depicted in the Drawing attached hereto as **Exhibit A** and which are more fully described in the Legal Description attached hereto as **Exhibit B**, which Exhibits are incorporated herein by reference, shall be rezoned to R-1 ("Rural Residential District"), and the Township Manager or his designee is hereby directed to amend the official Township Zoning Map to conform therewith.

Section 2. Severability.

If any of the provisions or terms of this Ordinance shall be held invalid for any reason whatsoever, then, unless such provision or term is material to this Ordinance as to render this Ordinance impracticable to perform, such provision or term shall be deemed severable from the

remaining provisions or terms of this Ordinance and shall in no way affect the validity or enforceability of any other provisions hereof.

Section 3. Repealer.

All prior ordinances are hereby repealed in whole or in part to the extent inconsistent herewith.

ORDAINED AND ENACTED into law, this ____ day of _____, 2020, to become effective upon proper advertisement hereof.

ATTEST:

TOWNSHIP OF WEST DEER

Daniel J. Mator, Jr.
Township Manager

BY _____
Arlind Karpuzi, Chairman
Board of Supervisors

GEN FOUR DEVELOPMENT, LLC
REZONING EXHIBIT PLAN
TAX PARCELS 2010-B-16, 150, 321, 2010-F-382, 389

NOTES:
 1. ALL BEARS ON PLAT BEARINGS AND COORDINATES HAVE BEEN ROTATED
 2. NORTH AMERICAN DATUM OF 1983

AREA TO BE REZONED

GRAPHIC SCALE
 1 inch = 100 ft
 (ON PLAT)

LOCATION MAP
 SCALE N.T.S.

TABLE OF ACREAGES

Parcel	Area (Acres)
Parcel 1	1.0275
Parcel 2	1.0275
Parcel 3	1.0275
Parcel 4	1.0275
Parcel 5	1.0275
Parcel 6	1.0275
Parcel 7	1.0275
Parcel 8	1.0275
Parcel 9	1.0275
Parcel 10	1.0275
Parcel 11	1.0275
Parcel 12	1.0275
Parcel 13	1.0275
Parcel 14	1.0275
Parcel 15	1.0275
Parcel 16	1.0275
Parcel 17	1.0275
Parcel 18	1.0275
Parcel 19	1.0275
Parcel 20	1.0275
Parcel 21	1.0275
Parcel 22	1.0275
Parcel 23	1.0275
Parcel 24	1.0275
Parcel 25	1.0275
Parcel 26	1.0275
Parcel 27	1.0275
Parcel 28	1.0275
Parcel 29	1.0275
Parcel 30	1.0275
Parcel 31	1.0275
Parcel 32	1.0275
Parcel 33	1.0275
Parcel 34	1.0275
Parcel 35	1.0275
Parcel 36	1.0275
Parcel 37	1.0275
Parcel 38	1.0275
Parcel 39	1.0275
Parcel 40	1.0275
Parcel 41	1.0275
Parcel 42	1.0275
Parcel 43	1.0275
Parcel 44	1.0275
Parcel 45	1.0275
Parcel 46	1.0275
Parcel 47	1.0275
Parcel 48	1.0275
Parcel 49	1.0275
Parcel 50	1.0275
Parcel 51	1.0275
Parcel 52	1.0275
Parcel 53	1.0275
Parcel 54	1.0275
Parcel 55	1.0275
Parcel 56	1.0275
Parcel 57	1.0275
Parcel 58	1.0275
Parcel 59	1.0275
Parcel 60	1.0275
Parcel 61	1.0275
Parcel 62	1.0275
Parcel 63	1.0275
Parcel 64	1.0275
Parcel 65	1.0275
Parcel 66	1.0275
Parcel 67	1.0275
Parcel 68	1.0275
Parcel 69	1.0275
Parcel 70	1.0275
Parcel 71	1.0275
Parcel 72	1.0275
Parcel 73	1.0275
Parcel 74	1.0275
Parcel 75	1.0275
Parcel 76	1.0275
Parcel 77	1.0275
Parcel 78	1.0275
Parcel 79	1.0275
Parcel 80	1.0275
Parcel 81	1.0275
Parcel 82	1.0275
Parcel 83	1.0275
Parcel 84	1.0275
Parcel 85	1.0275
Parcel 86	1.0275
Parcel 87	1.0275
Parcel 88	1.0275
Parcel 89	1.0275
Parcel 90	1.0275
Parcel 91	1.0275
Parcel 92	1.0275
Parcel 93	1.0275
Parcel 94	1.0275
Parcel 95	1.0275
Parcel 96	1.0275
Parcel 97	1.0275
Parcel 98	1.0275
Parcel 99	1.0275
Parcel 100	1.0275

Exhibit B

All that certain lots or parcels of ground situate in the Township of West Deer, County of Allegheny, and Commonwealth of Pennsylvania, being tax parcels 2010-B-16 also known as Parcel A-1 in the Revised Eastley Plan of Lots, as recorded in the Department of Real Estate in said County in Plan Book Volume 28 Page 198, 2010-B-150, 2010-B-321, 2010-F-389 and 2010-F-382, being more fully described herewith:

Beginning at a point on the northerly right of way line of Bakerstown-Culmerville Road, S.R. 1028, a variable width public right of way, said point being the westerly line of lands now or formerly of Timothy and Sandra Flis; Thence along said northerly right of way line of Bakerstown-Culmerville Road the following eight courses and distances; First - South 58° 47' 12" West, 40.26 feet; Second - South 51° 05' 39" West, 85.54 feet - Third; South 48° 00' 37" West, 326.34 feet; Fourth - South 51° 22' 59" West, 81.86 feet; Fifth - South 62° 22' 31" West, 67.73 feet; Sixth - South 78° 06' 31" West, 39.66 feet; Seventh - North 81° 18' 36" West, 45.19 feet; Eighth, North 71° 04' 00" West, 135.92 feet to a point; Thence leaving the said northerly right of way and through said Bakerstown-Culmerville Road South 68° 39' 46" West, a distance of 38.68 feet to a point on or near the centerline of said Bakerstown-Culmerville Road the following three courses and distances; First - North 84° 29' 21" West, 127.75 feet; Second - North 81° 33' 18" West, 59.12 feet; Third - North 77° 23' 53" West, 46.25 feet to a point; Thence leaving the said centerline and through said Bakerstown-Culmerville Road North 12° 21' 30" West, a distance of 23.60 feet to a point on the northerly line of said Bakerstown-Culmerville Road said point being the southwesterly corner of lands now or formerly of Joseph and Mary McCarthy; Thence along said lands of Joseph and Mary McCarthy the following two courses and distances; First - North 59° 00' 44" West, 332.69 feet; Second - North 2° 59' 54" East, 100.00 feet to a point being the corner of lands now or formerly of Jason and Heidi Hartle; Thence along said lands of Jason and Heidi Hartle and other lands of Jason and Heidi Hartle the following two courses and distances; First - North 23° 57' 56" East, 248.14 feet; Second - North 25° 24' 46" East, 101.31 feet to a point being the southwesterly corner of lands now or formerly William M. Jr & Cindy L. Eastley; Thence along said lands of William M. Jr & Cindy L. Eastley North 87° 11' 39" East a distance of 1144.46 feet to a point on the southwesterly corner of lands of said Timothy and Sandra Flis; Thence along said lands of Timothy and Sandra Flis the following three courses and distances; First - South 67° 37' 14" East, 100.00 feet; Second - South 24° 37' 46" seconds West, 151.94 feet; Third - South 2° 35' 16" West, 193.89 feet to the point of beginning.

Containing 763,862 square feet or 17.5358 acres, more or less.