

WEST DEER TOWNSHIP PLANNING COMMISSION
SEPTEMBER 24, 2020

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

Absent Members: Suzanne Garlena.

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

August 27, 2020 minutes were submitted and stand approved.

Outline and Order of Meeting: (See agenda attached)

1. Approval of August meeting Minutes
2. Land Development: Leo's Landscaping: (Gibsonia Road: State Route 910): Site Development
3. Land Development: McIntyre's Heights, P.R.D.: Final Land Development & Subdivision Plan
4. Workshop Meeting: Public Comments

Land Development: Leo's Landscaping: (Gibsonia Road: State Route 910): Site Development

7 Page Set to include Cover Sheet, Existing Conditions, Site Development, Site Lighting Plan, Site landscaping Plan, and 2 pages of Site Construction Drawings. (See attachments.)

Represented by Joseph Leo, Owner

Joseph Leo presented his plans for his contractor yard for landscaping contractor materials. The site is 4.7 acres. The new building will be approximately 1500 SF. There will be 15 total parking spots including 1 van accessible parking spot. There will be 2 stormwater collection areas; both are rain gardens. Existing trees will be used: some new will be added. Permits from Allegheny County and Penn DOT will be secured.

Comment Sheet, September 23, 2020 (2 pages) from Scott Shoup of Shoup Engineering was distributed at the meeting and is attached to these notes. (See attachments.) Matt Schmidt answered all of Scotts questions posed by the comment sheet.

Comments are as follows:

1. Robert Bechtold asked what the building was being used for. Joseph Leo said that 30% of the building will be used for Business operations, but that there will be no customers or displays. Matt Schmidt said that 6 will be utilized for his trucks/equipment.

2. Joseph Leo said that there will be a very nice sign at the entrance.
3. Bill Payne stated that there needs to be landscaping around the building and there are architectural standard for the building set out in the zoning ordinance which will also need to be met. It cannot just be a plain metal building. There will need to be veneer skirting, decorative veneer stonework or gingerbread could be added.
4. John Butala asked how snow removal operations will be handled if business hours are from 7 AM to 9 PM. Joseph Leo stated that they will pre-load trucks if snow is predicted.
5. Robert Bechtold stated that all deliveries must be made within business hours. Joseph Leo stated that the earliest that they can pick up in the quarries is 7 AM.
6. Kathy Rojik asked what the sign looks like. Joseph Leo stated that he doesn't know but has a friend who is helping him with that. Mr. Payne stated that there is a separate approval process for any signage which is spelled out in the zoning ordinance and handled administratively in the zoning office.
7. Alan banks commented that the rain gardens plan selection needs to meet the stormwater requirement and also that cat tails and irises should be considered as these gardens tend to become beds for weeds.

First motion by Mr. Bechtold and second motion by Mr. Banks to **APPROVE THE REQUEST**; voting was unanimous. Mark Schmidt abstained.

McIntyre's Heights, P.R.D.: Final Land Development & Subdivision Plan

30 Page Set to include Site Plans, Utility Plans, Sanitary Sewer Profiles, Storm Sewer Profiles, and construction Details. (See attachments.)

Represented by Jason Paulovich of Gibson Engineering and Todd Rossman of Richland Holdings.

McIntyre heights has been through conditional use and is ready to submit for final design approval and permits. It is 38 acres and contains 34 single family homes, 31 townhomes, and 32 duplexes.

Comment Sheet, dated September 21, 2020 (2 pages) from Scott Shoup of Shoup Engineering was distributed at the meeting and is attached to these notes. (See attachments.)

Comments generated from the comments on the attached sheet and others follow:

1. RE: Comment #1: There will be a dedicated consolidation plan provided.
2. RE: Comment #3: The final stormwater Management Plan will be submitted.
3. RE: Comment #11: Provide notes on the Final plans indicating that the HOA is to maintain items A to E mentioned.
4. RE: Comment #18: Show setbacks for duplexes on the plan.

5. RE: Comment #19: How much do lots encroach in buffer ?
6. RE: Comment #20: These items are still waiting on Board of Supervisor's final approval.
7. RE: Comment #24: The Township should own that arch culvert.
8. RE: Comment #26: Show the park benches on the plan.
9. RE: Comment #29: Is there a benefit to extending Hadley Court to the nearby Ross property line ? parking spaces are shown there now.
10. RE: Comment #30: The applicant replied that there will only be one phase.
11. Patrick Stark asked about the wetlands condition. A pond is being removed; has a wetlands scientist delineated the property? Jason stated that they have been in contact with the Conservation District which confirmed it was a farm pond feed by a spring. He stated that because it was feed by the spring they could drain it now if they wanted. Mr. Stark asked how the other wetland areas were delineated. Jason stated that they had a professional wetland scientist delineate the property. Jason answered that the road crossing is the only stream impact. The wetland survey was submitted to the Township. The wetlands are intact and have not been disturbed. The only steam impact is the road crossing which they will keep to a minimum of 100' for the purpose of permitting requirements as well as disturbance impact. The 3 smaller storm water areas will have sediment traps during construction and be converted at completion. The sediment traps are designed to the prescribed 2 year storm per conservation district regulations.
12. Jason said that the 2 year traffic study was completed.
13. Bill Payne asked about the spacing of the fire hydrants. Jason said that they had met with Josh Weigand and had conservatively went over the number needed.
14. Bill Payne said that the plantings on the islands on the cul-de-sac are vulnerable to salt and snow removal damage and the plants used should be thoughtfully considered as to their resistance.
15. Alan Banks said that he is not comfortable regarding the Limit or Disturbance. He wants the limit of disturbance to be clearly shown on the plan. Jason said that they will supplement plantings in buffer zone to meet West Deer standards required.
16. Alan banks said that they need to look at some of the native plants selected for the islands in regard to salt tolerance. Also consider the Canadian hemlock in the buffer zone as well as other plant selection.
17. Jason said that he will place the island planting areas and the guest parking spaces in the HOA.

18. Alan banks stated that under Note #5, they needed to add “ and Twp.” Also the Red maples should be in the HOA document. Alan recommends a variety of trees and not all Red Maples be used.

CONDITIONS AGREED UPON FOR DEVELOPMENT:

1. Address recommendations in of Shoup’s engineering recommendations letter dated 9.21.2020.
2. Off street parking and islands are to be maintained by the HOA.
3. Extend the right of way to Hadley Court for future connection.
4. Access for equipment and maintenance to the stormwater ponds must be shown with easements provided and the slope is not to exceed 15% and they should not be located within the perimeter buffer.
5. Provide a variety of street trees to be included in the developer’s agreement.

First motion by Mr. Butala based upon the 5 conditions and the successful execution of those conditions and second motion by Mr. Banks to **APPROVE THE APPLICATION**; voting was unanimous.

WORKSHOP/ PUBLIC COMMENTS:

1. Tim Resciniti of 1006 York Way presented 2 documents that have were passed out are :
Protect PT: Shale Gas Development Ambient Noise Study and Roadmap to Oil and Gas Protections: a webinar.
2. Jonathan Randza of 210 Locust Street lives closest to the Leto Well site and presented the sound study: Protect PT: Shale Gas Development Ambient Noise Study. The study was done at the 210 Locust property line. Grant money was received from “Protect Penn Township and the study was done by Kathleen Brosseau, Environmental Scientist at Protect PT. Jonathan will email a PDF copy to Bill Payne. Subsequent comments/ questions follow.
 - a. John Butala asked if Kathleen would be available to attend the next Planning Commission meeting to talk about the study.
 - b. Alan Banks stated that it would be good to see Kathleen’s numbers compared to numbers done in other studies.
 - c. Tim Resciniti will ask Kathleen if she would be available to come to October’s Planning Meeting.
 - d. Patrick Stark stated that it would be good to see a summary of the study versus 210.54 in West deer ordinances.

- e. Bill Payne stated that the current “Noise Control” ordinance excludes fracking. (See section Chapter 114-4.6 of West Deer Code of Ordinance). The new noise ordinance will include peak minimum and peak maximum noise levels between 8 AM and 10 PM that can be applied to other operations excluding the actual drilling. (Technical info added for clarity).
- f. Bill stated that the current “Zoning” ordinance sets a base decibel level of 65 for gas well applications or a study can be provided and that base decibel amount can be utilized. Once the base amount is agreed on then there are certain allowable increases to levels during specific gas well operations. (See section Chapter 210-120.A.21(g)[6] of West Deer Code of Ordinance). The baseline and includes noises such as leaves rustling, birds chirping, wind, etc. (Technical info added for clarity).
- g. John Butala then stated as 70 Decibels is the allowed for oil and gas production, is that 65 decibels base + 70 decibels is allowed production noise? Not exactly. Mr. Payne clarified that per the “Zoning” ordinance there is a max allowable over the base decibel level on each gas well development operation. The noise shall be measured at the nearest property line to the complaint’s residential or public building or 100 feet from the complaint’s building, whichever is closer. In the “Noise Control” ordinance there are max levels per zoning district which is to be measured at the real property boundary at the receiving property. (Technical info added for clarity). The stricter regulation shall govern.
- h. Patrick Stark, Scott Shoup, and Robert Bechtold all agreed that there is a conflict as regards the 65 decibel baseline here. Bill said that it is an issue and the current ordinance puts West Deer at a disadvantage. There has been discussion for the zoning revisions to lower the default base decibel to 55 decibels unless a sound study is provided.
- i. John Butala stated that Bill Thornton, an acoustical engineer, whom he was started talking to the sound monitoring, was on the cusp of starting. In my Butala’s recollection he thought that Mr. Thorton would place the equipment @ Mish market or around the Dollar General for the Oak Road site.
- j. It was agreed that robust technical information is needed as regards to the sound study. Also, a decibel is like PH reading as the value compounds on the previous value; 1% could be like 10%. Oil and gas needs to know what they can increase to as regards the production noise levels allowed.
- k. The Oil and Gas noise levels presented by Olympus did not include truck noises on the road as counting towards the decibel level. Bill stated that that is a large majority of the noise.
- l. Bill stated that our revised ordinance should include a provision that the applicant is responsible for the baseline noise study cost through an escrow account and the Township shall select an accredited sound engineer to get the most unbiased information. It is unclear as to what noise data holds up in court.

- m. (Added Content) In the meeting there was a lot of discussion and confusion on what noise measurements are applicable. Clarification has been added to the minutes and noted as such.
3. Sue Noftz of Donaldson Road. She received the news that the Miller Estate was rezoned from R Rural Estate to R 1 Rural residential. She feels that this exception made could become a norm and happen again. The people of this area want to keep the rural quality of their properties and are not happy with the rezoning. She wanted to know how this will not happen again. She also asked if this board was the one who approved the rezoning.
- a. Mr. Schmidt informed Mrs. Noftz that they made a recommendation and the Board of Supervisors took action for the rezoning.
 - b. Mr. Payne gave background on why the Planning Commission and Board of Supervisors thought it was appropriate for that specific area. The major deciding factor was the availability of public sewage across the street at Hampshire Estates. The applicant submitted a letter of capacity from Deer Creek Drainage Basin Authority stating a commitment of 18 EDU designated for that group of parcels. That plant is the only part of Bakerstown Culmerville in West Deer that has public sewer capabilities.
 - c. Mr. Payne noted that until public sewage is available it is infeasible to developments with smaller lots. A lot that is serviced by private septic needs to be a minimum of 1 acre since it has to perc test for a primary and secondary system locations that can never be built on and then the structure also has to fit on the lot.
 - d. Mr. Payne also explained the process for the rezoning of a parcel which includes input from Allegheny County Economic Development.