

WEST DEER TOWNSHIP PLANNING COMMISSION MINUTES
June 23, 2022

The Meeting was called to order with the following members in attendance:
Patrick Stark, Kathy Rojik, Robert Bechtold, Rich Hollibaugh, and Mark Schmidt.

Absent Members: Suzanne Garlena, Alan Banks

Other Attendees: William Payne (Code Enforcement Officer)
Scott Shoup (Shoup Engineering)
Dorothy Moyta (Zoning & Planning)
Harmit Bedi (Zoning and Planning)
Gavin Robb (Township Solicitor)
Jaison Kelly, JK Motorcars
Michael Coco, Property Owner, (11 Oak Rd.)

Outline and Order of Meeting

1. Approval of May 2022 Minutes
2. **CUP-22-01** Conditional Use:

Mr. Jaison Kelly of 113 Overlook Dr. has applied for a Condition Use Permit for the property located at 11 Oak Road, parcel # 1508-S-75 to use for a Used Car Dealership. The subject property is zoned SU (Special Use Zoning District). The property owner is CPC, LLC, Allison Park, PA.

- Chairman opens the Application
 - Staff Presents the Application / facts
 - Chairman invites Applicant for comments/presentation
 - Chair and Members discuss the Application and vote
3. Zoning Map Update Review and Discussion – Motion to Proceed
 4. Zoning Ordinance update Review and Discussion – Motion to Proceed
 5. Review of Sections of Draft communication Tower ordinance – Gavin Robb
 6. Comments/ Questions from Public

7. Comments/ Discussion by Planning Members/ Staff

Approval of Meeting Minutes

The May 2022 Planning Commission Meeting Minutes were approved as submitted.

CUP-22-01: 11 Oak Rd., JK Motors

Mr. Bedi presented CUP-22-01 and went over the staff analysis to include the location of the property, an aerial photograph, the existing office building photos, the garage photo, the building across the street, and the existing fence. Mr. Bedi went over the conditions for the new dealership. Comments were as follows:

1. Mr. Schmidt felt that in reference to Condition #1, no separate spaces striped were needed but the general area where used cars for sale were to be located. ADA parking, visitor parking, employee parking, and the fire access lane need to be striped.
2. Mr. Bedi referred to 234.5..C in the Zoning Ordinance: “Automobile inventory shall be maintained in an orderly fashion.”
3. Mr. Schmidt said that as long as the fire lane is kept open, the dealer can arrange the cars in a fashion that he sell as many cars as possible.
4. Mr. Schmidt asked that in reference to Condition #6, why does the fence have to be maintained ?
5. Mr. Payne thought that the fence gives a linear edge to the property and defines the parking lot. Also, the 2 owners share a common entrance.
6. Mr. Robb asked Mr. Kelly if he thought that it was important to maintain the fence. Discussion ensued.
7. Mr. Kelly thought that he may take out the screening in the fence.
8. Mr. Kelly spoke about his plans while pointing to the photos and maps. He is not leasing the garages. (The garages are currently for lease.)
9. Mr. Payne felt that ADA, and access for the fire aisle should be striped. The aisle needs to have a 25’ width.
10. Mr. Robb asked about zoning in reference to the office use. Mr. Payne said that the former was accessory. Mr. Robb said that if a future use was not associated with the car dealership, there may end up being 2 uses on one lot.
11. Mr. Kelly said that he will not block the other 2 buildings so that they can be used by others.

12. Ms. Rojik asked if Mr. Kelly will maintain the other 2 car lots that he owns. Mr. Kelly said that no – he will be closing the other 2 lots.
13. Mr. Stark asked if any repairs will be done on the lot. Mr. Kelly said no for the most part, mainly just cleaning and detailing vehicles.
14. Mr. Payne asked Mr. Kelly how long he has been selling cars. Mr. Kelly said for about 20 years.
15. Mr. Robb told Mr. Kelly that he needs to show evidence at the July 20, 2022 Public Hearing (Supervisor meeting) that he can meet all 10 requirements/ criteria put forth by the Planning Commission.

A motion to approve JK Motors Used Car Dealer with the following conditions was made by Mr. Hollibaugh and seconded by Ms. Rojik. All were in favor and the motion carried. ***Amended verbiage in italics.***

1. Submit a plan showing the required parking striping to designate visitor, staff, ADA, and fire access lane(s) at the subject property. The parking plan comply with all Township applicable codes. The access aisles shall be minimum 25' wide. The plan shall be submitted to the Code Enforcement and Zoning Department for review and approval prior to striping being installed.
2. If proposed, submit a West Deer Township Sign Application to the Department of Code Enforcement and Zoning for review and approval prior to installing any sign on the subject property.
3. The inoperable vehicles, if any on the premises, shall be parked indoor or at location on the premises where they are not visible from the Oak Road.
4. No outdoor storage shall be permitted *except for the vehicle inventory.*
5. No clear cutting of the existing trees shall be permitted.
6. The existing chain link fence between the subject property and Blackout Tinting business shall be kept in good shape until removed.
7. Submit a landscaping plan to the Department of Code Enforcement and Zoning for approval. The plan showing installation of minimum two trees of locally acceptable species in front of the bay door building, towards the side fronting Oak Road. The planting shall be of a minimum 2½ "caliper size at the time of planting. The selection shall take into account the height and width at the time of maturity. The landscaping must be completed prior to starting the business.
8. If in the future, the present owner cease to operate the (if) approved business and leave the property vacant for 12 months or more then this Conditional Use Permit shall be null

and void. The business and / or the property owner must inform the Department of Code Enforcement and Zoning in writing of such occurrence.

9. If in the future, this business is discontinued or vacated, all the signs on the premises shall be removed within thirty (30) days of the vacation or discontinuation of the business by the business owner and/or the property owner. Upon failure of the compliance the Township shall remove the sign at the subject property at the owner's expense.
10. The applicant must obtain an Occupancy Permit from the Department of Code Enforcement and Zoning prior to occupying the building.

Zoning Map Update Review and Discussion

Mr. Payne asked if everyone had a chance to look over the Zoning Map. Discussion was as follows:

1. Mr. Robb wanted to confirm that the overlay districts and PRD had been placed on the map. Mr. Payne said yes.
2. Mr. Bechtold asked about the waterways shown on the map and discussed how they might be construed by a land buyer as regards perennial stream flow. Discussion ensued. Mr. Payne said that sometimes a ditch line can be considered a perennial waterway. The map shows commonly identified waterways.
3. Mr. Robb said that appropriate due diligence will be done by major developers. A copy of the agenda for the Zoning Ordinance Update moving forward was presented.

A motion to approve the Zoning Map was made by Mr. Stark and seconded by Mr. Hollibaugh. All were in favor and the motion carried.

Zoning Ordinance Update Review and Discussion

Mr. Payne asked if everyone had a chance to look over the Zoning ordinance. Discussion was as follows:

1. Mr. Schmidt asked about Home Bases Business definition on page 19. Should the Conditions be placed within the definition?
2. Mr. Robb said that the conditions are fine in the definitions as long as they are permitted by right. If it is a conditional use they should be in the conditional use section. It was confirmed that Low Impact and No Impact businesses are permitted by right.
3. On page 36, the definition of "Woodland" is not correct. Some trees could smaller than 6". Suggest changing wording from the "where the smallest trees to be measured at least

6 inches diameter” to “with trees that predominately measure at least 6 inches in diameter”.

4. Mr. Stark said that in reference to 210-52C, “No waste material shall be burned” will negate the use of waste oil heaters. Revise to on P.58, Suggested adding “except for UL listed furnaces designed for that purpose.” Mr. Payne stated that this is a land development standard so it will have to be changed in multiple sections.
5. Page 86. 2180-106 item C.1.d) is missing the word open in between common and space. Mr. Schmidt thought that the space referenced was open space but was not clearly identified. Suggest insert “open” between common and space in 210-106C.1.d).
6. Page 122 Section 210-137 D. the word “side” should be deleted. Mr. Robb stated that it is corrected in the most current version.
7. Mr. Stark said that 210-158 Occupancy he has a comment on item 4 “Occupancy and use of vacant land”. Mr. Stark had questions why it was a requirement. Mr. Payne stated that some people in the past have used vacant land for parking of cars and even a small campground that was used for a couple months at a time. Mr. Robb stated that he doesn’t think it hurts anything to have it in there and gives them clarification that just because there is no structure they just can’t do anything they want on it. After much discussion it was decided that it would stay as written, Mr. Stark objected.

A motion to approve the Zoning Ordinance with the mentioned suggestions was made by Mr. Hollibaugh and seconded by Mr. Stark. All were in favor and the motion carried.

Review of Draft Sections of Draft Communication Tower Ordinance – Gavin Robb

Areas of concern and comments were as follows:

1. Mr. Robb explained that there were 2 different types of Cell Towers: the giant mono towers and the tower attachments on existing structures. This ordinance refers to the large freestanding towers, Currently, this ordinance is a Conditional Use. When a Tower is proposed, neighbors can come in and speak out. Should we keep this as a conditional use ?
2. Mr. Payne said that currently there are no special exceptions in the Zoning ordinance. A variance through the Zoning Board is the only way to proceed.
3. Mr. Schmidt said that a lot of people had concerns with the associated emergency generators and the sounds coming from them.
4. Mr. Robb said that there is the ability to go forward in an Industrial district.
5. Mr. Payne asked about the R Rural district.
6. Mr. Robb said that the issue here is that there is poor cell phone coverage in the Township and there is a desire to go forward quickly with an administrative review and

no hearings. The current path is that a public hearing takes place within 60 days of the planning commission meeting.

7. Mr. Bechtold asked if 5G was sometimes placed in the right of way.
8. Mr. Payne said that the intent was to develop a friendly ordinance. He felt that height limitations should be kept at 35' for new towers and structures and 10' above existing structures, such as silos and water towers.
9. Gavin said that he will flag the height discussion for Dan Cohen.

Comments/ Questions from the Public

There were no comments from the public.

Comments/ Questions from the Planning Commission

There was some discussion about the parcel that Duquesne light is using for their staging.

Mr. Bedi wanted to set up a time with the Planning Commission members to get their input on what they wanted to see in their community of West Deer Township.

The July Planning Commission meeting will be on July 28, 2022. The meeting time and agenda will be posted on the web site.

Mr. Stark made a motion to adjourn the meeting seconded by Ms. Rojik. The meeting adjourned at 8:26 PM.