

Agenda

**Township of Wilkins
Planning Commission Meeting
December 13, 2023**

Join Zoom Meeting: <https://us02web.zoom.us/j/84391408776>

1. Call to Order
2. Public Comments
3. Approval of the minutes of the Planning Commission meeting of October 18, 2023
4. Benderson Development land development
5. Next meeting date: January 17, 2024
6. Adjournment

TOWNSHIP OF WILKINS PLANNING COMMISSION MEETING

October 18, 2023

The Planning Commission meeting was brought to order by Mr. Wolfgang at 7:00 p.m. The purpose of the meeting was to approve the minutes of the August 16, 2023 meeting, and continue the review of the Modwash subdivision and land development

The following members were present: Mr. Mark Wolfgang, Dr. Donald Hoffman, and Mr. Rodrick Campbell.

Also in attendance: Mr. Tim Saunders, Property Maintenance Officer, Mr. Ben Orsatti, Solicitor and Mr. Robert Arnold, Engineer.

On behalf of the Applicant ModWash: Mr. Garrett Varner, EIT, Project Engineer, Morris Knowles.

The following items were presented:

- 1) Wilkins Township Planning Commission Meeting Minutes of August 16, 2023.
- 2) Modwash Subdivision and Land Development Application
 - a. Memorandum dated May 22, 2023 from Rebecca Vargo, Township Manager, to Mark Zimmerman, P.E., Morris Knowles regarding remaining items to be addressed in the Modwash application.
 - b. Correspondence dated May 30, 2023 from Garrett Varner, EIT, Project Engineer, Morris Knowles to Rebecca Vargo responding to the comments received from the Township on May 12, 2023.
 - c. Correspondence dated May 31, 2023 from Rob Arnold, HRG, Inc., to Rebecca Vargo, responding to comments from Garrett Varner from May 30, 2023.
 - d. Copy of redacted Purchase Agreement between Hutton Pittsburgh, (William Penn), LLC and Agree Stores, LLC for the sale/purchase of a portion of 3480 William Penn Highway, signed and dated as of September 26, 2023.
 - e. Modwash Wilkins Township Preliminary/Final Land Development Plan, revised as of May 24, 2023
 - i. Sheet C000 – Title Sheet
 - ii. Sheet C100 – Existing Conditions/Demolition Plan
 - iii. Sheet C200 – Site Plan
 - iv. Sheet C300 – Grading Plan
 - v. Sheet C500 – PCSM / Landscape Plan
 - vi. Sheet C600 – General Details
 - vii. Sheet C700 – Erosion and Sedimentation Control, Title Sheet
 - viii. Sheet C701 – Erosion and Sedimentation Control Plan
 - ix. Sheet C702 – Erosion and Sedimentation Control Details
 - f. Modwash plan of Subdivision dated May 30, 2023

There were no public comments.

TOWNSHIP OF WILKINS PLANNING COMMISSION MEETING

October 18, 2023

APPROVAL OF MINUTES:

The minutes of the Planning Commission meeting of August 16, 2023 were presented for approval. It was **MOVED CAMPBELL-HOFFMAN** to approve the minutes as presented. All in favor and so ordered.

MODWASH LAND DEVELOPMENT AND SUBDIVISION PLAN:

Mr. Garret Varner, EIT, Project Engineer, Morris Knowles, reintroduced the project. Modwash is located at 3474 William Penn Highway, in Wilkins Township. The purpose of this project is to expand the carwash to include an additional pay lane and an additional stacking lane. There are currently two pay lanes, this would add a third.

There is an increase in impervious surface. The additional stormwater runoff will be easily captured by the existing underground detention facility. There is a need to build a 4.5' retaining wall at the new border of the two properties.

Dr. Hoffman questioned who would maintain the steps that are at the property line, a portion of which are now on the Modwash side of the property border. Mr. Varner stated that Agree Stores would continue to maintain the steps.

Mr. Arnold stated that all of his comments have been addressed.

Mr. Wolfgang questioned whether the sales agreement had been submitted and reviewed. Mr. Saunders stated that the agreement has been received and reviewed.

It was **MOVED CAMPBELL-HOFFMAN** to recommend that the Board of Commissioners approve the Modwash Land Development and Subdivision Plan. All in favor and so ordered.

NEXT MEETING:

The date of the next meeting is November 15, 2023. At this time, unless Benderson is ready to come back in, there is nothing pending for the agenda.

ADJOURNMENT:

It was **MOVED HOFFMAN-CAMPBELL** to adjourn the meeting. The meeting was adjourned at 7:10 PM. All in favor and so ordered.

Respectfully Submitted,

Rebecca Vargo,
Secretary



Herbert, Rowland & Grubic, Inc.
220 West Kensinger Drive, Suite 100
Cranberry Township, PA 16066
724.779.4777
www.hrg-inc.com

Via Email

December 6, 2023

Mrs. Rebecca Vargo
Township Manager
Township of Wilkins
110 Peffer Road
Turtle Creek, Pennsylvania, 15145

Re: **Benderson Development**
Plan Review 03
Wilkins Township, Allegheny County, PA

Dear Mrs. Vargo:

Herbert, Rowland & Grubic, Inc. (HRG) has received the following materials related to the referenced land development project. This is the third submittal for this development.

- **Response Letter**, prepared by Red Swing Group and dated October 27, 2023.
- **Benderson Development Plan Set (28 sheets)**, prepared by Red Swing Group and revised/dated November 6, 2023.

The materials listed above were received by HRG both electronically and by hard copy on Monday, November 27, 2023.

As requested, we have completed a review of the submitted information with respect to the Subdivision and Land Development Ordinance (Chapter 385), Stormwater Management Ordinance (Chapter 374) and Zoning Ordinance (Chapter 450). The comments below are based on the review of the listed submitted material. The comments do not address specific requirements that other regulatory agencies such as the Pennsylvania Department of Environmental Protection (PADEP), PennDOT, or the Allegheny County Conservation District may have, although permits or approval letters from these agencies may be required as a condition of plan approval.

COMMENTS RELATED TO SUBMISSION:

1. The Applicant has acknowledged that a copy of the sewage planning module for land development approval by PA DEP [§385-17B(23)] will be provided when available. Based upon information submitted by email, the Applicant has shown that the proposed pump station would not overload the downstream Township sewer system, so the sewage planning module process should proceed.
2. The Utility Plan indicates that the sanitary sewer force main will be extended from the site of the existing pump station to the site of the proposed pump station. If it is proposed to utilize the existing force main between the site of the existing pump station to the connection with the Township sewer system, the Applicant shall confirm the size and condition of the existing force main.

3. Similar to other recent developments in the Township where new sewage pump stations have been implemented, the Applicant must submit the following prior to final project approval:
 - a. A binder or electronic documents that include the pump station installation and operations manuals, pump station structure diagrams, and any additional specifications or diagrams related to the pump station. These would be specific to the final installation and supplement the general details provided on Sheet C551 in the plans.
 - b. A Sanitary Sewer Pump Station Operations and Maintenance Plan and Agreement, a draft of which is attached hereto. Similar to the Agreement for stormwater facilities, this agreement will be recorded and run with the property.
4. The Applicant has acknowledged that the final highway occupancy permit by PennDOT [§385-17.K] will be provided when available.
5. Based upon the Addendum to the Transportation Impact Study for the property and subsequent communications with PennDOT, the Applicant has removed the proposed "right turn in" entrance from William Penn Highway. The Applicant shall confirm whether PennDOT is still requesting a follow-up meeting prior to granting the HOP for the property.
6. The Applicant has acknowledged the requirement of providing an approved E&S plan to the Township once issued by Allegheny County Conservation District.
7. The Plans include revised parking locations both at the front of the property because of the elimination of the "right turn in" entrance and near the proposed fast-food restaurant because of the addition of an area for outdoor seating. Additionally, the proposed dumpster site for the fast-food restaurant has been moved to along the eastern edge of the site parking/drive area and includes a retaining wall.
 - a. Plans for retaining walls greater than 4 feet in height must be signed and sealed by an engineer registered in the Commonwealth of Pennsylvania. The Applicant shall indicate the height of the proposed retaining wall.
 - b. The Applicant shall identify the proposed structure now located to the east of the outdoor seating area of the fast-food restaurant.

SUPPLEMENTAL INFORMATION TO BE PROVIDED PRIOR TO RECORDING OF THE SWM SITE PLAN [§374]:

- Signed and executed Operations and Maintenance Agreements.
- Signed and executed easements for all on-site and off-site work, if any.

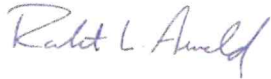
HRG's review of this project and comments provided herein do not preclude the Applicant from any requirements or submissions requested or directed by other entities having jurisdiction over all or portions of this work, including, but not limited to PADEP, PennDOT, the Allegheny County Conservation District, etc. The licensed professional engineer/surveyor whose seal appears on the drawings and documents for this project remains responsible for the ultimate compliance of these facilities with regulatory and engineering standards. HRG, on behalf of the Township, reserves the right to review any subsequent submissions related to this project.

Mrs. Rebecca Vargo
Wilkins Township
December 6, 2023
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If you have any questions regarding these comments, please do not hesitate to call me.

Sincerely,

Herbert, Rowland & Grubic, Inc.

A handwritten signature in purple ink that reads "Robert L. Arnold". The signature is written in a cursive style with a large, stylized 'R' and 'A'.

Robert L. Arnold, P.E.
Team Leader | Civil

RLA/JFZ/kmg
R006303.0467

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Operations and Maintenance (O & M) Agreement

THIS AGREEMENT, made and entered into this _____ day of _____, 20____, by and between _____ (herein after the "Landowner") and Wilkins Township, Allegheny County, Pennsylvania, (hereinafter "Municipality").

WITNESSETH

WHEREAS, the Landowner is the owner of certain real property as recorded by deed in the land records of Allegheny County, Pennsylvania, Deed Book _____ at page _____, (hereinafter "Property"); and

WHEREAS, the Landowner is proceeding to improve the Property including the need to relocate/install sanitary sewer lines within the property and install a grinder pump to provide sanitary sewer service to the Township's sanitary sewer system; and

WHEREAS, the construction and Operation and Maintenance (O&M) Plan approved by the Municipality (hereinafter referred to as the "O&M Plan") for the property identified herein, which is attached hereto as Appendix A and made part hereof, provides for management of the sanitary sewers and grinder pump station within the confines of the Property, and the force main between the property and the Township's sanitary sewer system;

WHEREAS, the Municipality and the Landowner, successors and assigns, agree that the health safety and welfare of the residents of the Municipality and the protection and maintenance of water quality require that an on-site sanitary sewer system and grinder pump station be constructed and maintained on the Property; and

WHEREAS, the Municipality requires that the sanitary sewers, grinder pump station, discharge lateral, and connection to the Township's sanitary sewer system be constructed and adequately operated and maintained by the Landowner, successors and assigns.

NOW THEREFORE, in consideration of the foregoing promises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The Landowner shall construct the improvements in accordance with the plans and specifications approved by the Municipality and Allegheny County. Said work to be inspected and accepted by Allegheny County, and includes the following: sanitary sewers and appurtenances, grinder pump, new line installed to connect grinder pump to existing force main, ("Improvements").
2. The Landowner shall operate and maintain the improvements as shown on the Plan in good working order in accordance with the specific operation and maintenance requirements noted on the approved O&M Plan. The Landowner shall also comply with §333-52 of the Wilkins Township Code regarding prohibited discharges.

3. The Landowner hereby grants permission to the Municipality, its authorized agents and employees, to enter upon the property, at reasonable times and upon presentation of proper credentials, to inspect the improvements whenever necessary. Whenever possible the Municipality shall notify the Landowner prior to entering the property.
4. In the event the Landowner fails to operate and maintain the improvements per paragraph 2, the Municipality or its representatives may enter upon the Property and take whatever action is deemed necessary to maintain said improvements. It is expressly understood and agreed that the Municipality is under no obligation to maintain or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on the Municipality.
5. In the event the Municipality, pursuant to the Agreement, performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials and the like, the Landowner shall reimburse the Municipality for all expenses (direct and indirect) incurred within 30 days of receipt of invoice from the Municipality.
6. The intent and purpose of this Agreement is to ensure the proper maintenance of the onsite improvements by the Landowner; provided, however, that this Agreement shall not be deemed to create or effect any additional liability of any party for damage alleged to result from or be caused by sewage discharge.
7. The Landowner, its executors, administrators, assigns, and other successors in interests, shall release the Municipality from all damages, accidents, casualties, occurrences, or claims which might arise or be asserted against said employees and representatives from the construction, presence, existence, or maintenance of the improvements by the Landowner of Municipality.
8. The Municipality may inspect the improvements at a minimum of once every three years to ensure their continued functioning. The Landowner agrees to make any corrective actions identified by this inspection.

This agreement shall be recorded at the Office of the Recorder of Deeds of Allegheny County Pennsylvania, and shall constitute a covenant running with the Property and or equitable servitude, and shall be binding on the Landowner, his administrators, executors, assigns, heirs and any other successors in interests, in perpetuity.

ATTEST:

WITNESS The following signatures and seals:

(SEAL)

For the Municipality

Sylvia Martinelli, President
Board of Commissioners

For the Landowners

(Signature)

(Print Name)

(Title)

ATTEST:

Wilkins Township, County of Allegheny, Pennsylvania

I, _____, a notary Public in and for the county and state aforesaid whose commission expires on the _____ day of _____, 20____, do hereby certify that _____ whose name(s) is/are signed to the foregoing Agreement bearing date of the _____ day of _____, 20____, has acknowledged the same before me in my said county and state.

GIVEN UNDER MY HAND THIS _____ day of _____, 20____.

November 20, 2023

Township of Wilkins
Irene J. Pohl Municipal Building
1110 Peffer Road
Turtle Creek, PA 15145-1192

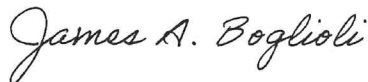
Attn: Rebecca Bradley, Manager

RE: Land Development Application
3475 William Penn Highway (BDP# 2669)

Dear Ms. Bradley:

In connection with the above-referenced property, enclosed please find the revised set of civil site plans addressing the comments received to date, as well as a letter addressing those comments. We look forward to working with the Township on this project. If you require any further information, please do not hesitate to contact me at 716-878-9626 or by e-mail at JamesBoglioli@Benderson.com

Thank you,
BENDERSON DEVELOPMENT COMPANY, LLC



James A. Boglioli



October 27, 2023

Attn: Ms. Rebecca Vargo
Township Manager
Township of Wilkins
110 Pepper Road
Turtle Creek, PA 15145

REFERENCE: **RE: Benderson Development – Plan Review 02**
Project: Benderson Development – Commercial Retail
ACED File Number: 23-080 SU
Municipality: Wilkins Township

Dear Ms. Vargo:

Red Swing Group respectfully submits the following responses to the August 7th, 2023 Benderson Development – Commercial Retail comment letter regarding the above referenced project. This response letter is submitted per the requirements stated in the comment letter. We offer the following responses:

COMMENTS:

1. A comment from HRG's letter of April 13, 2023 letter stated, "Tract boundaries with bearings and distances should be included in the plan set [§385-16.B(6)]". The Applicant has supplied a Boundary and Topographic Survey of the property that is undated and not sealed and has at least one incorrect and/or outdated notation of an adjacent property owner (according to the Allegheny County Real Estate web site). Since this is a new and separate submittal from those previously proposed for this site, the Applicant should provide a Site Plan of the currently-proposed development with the information requested in §385-16.

Response: *A sealed survey plan has been provided by the applicant and is included with the plan set. The adjacent property owners labeled on the survey plan have the symbol N/F above them. The label N/F, an abbreviation of "Now or Formerly," is commonly used in the surveying field to distinguish adjacent property owners to a subject property because the ownership of such properties can change hands over the course of a project's life.*

2. A comment from HRG's letter of April 13, 2023 letter stated, "Front yard setback is shown on the plan, however, the side and rear yard setbacks are missing." While the response letter states that the rear yard setback has been added to Sheet C200, it is not apparent on the version of that sheet that was received.

Response: *According to Section 450-13.F in the Wilkins Township Ordinance, non-residential structures, including all business uses, shall not be located or conducted closer than 70' to any lot line in any R district. This rear yard setback has been added to Sheet C200 and other plan sheets that feature setback lines.*

4314 Old William Penn Hwy, Suite 101 • Monroeville, PA 15146 • 412.325.1215p • 866.292.5226f

Development Services • Surveyors • Due Diligence • Engineers • Owners



3. The Applicant has acknowledged that a copy of the sewage planning module for land development approval by PA DEP [§385-17B(23)] will be provided when available. The Applicant still must submit final plans for sewage conveyance from the property, including any information regarding a new or upgraded pump station.

Response: *The proposed flow rate for the relocated lift station and the calculated capacity of the existing sanitary sewer line that the lift station ties into have been communicated to the Wilkins Township Engineer in a request for sewage availability October 19, 2023. Once sewage availability is received from Wilkins Township, the Sewage Planning Module process can continue. The latest utility plans and details are included in the sheet set included with this response.*

4. The Applicant has acknowledged that the final highway occupancy permit by PennDOT [§385-17.K] will be provided when available.

Response: *Noted. The applicant is currently awaiting PennDOT review.*

5. The Applicant has submitted an Addendum to the Transportation Impact Study including the accident data provided by the Township. It recommends a follow-up meeting to include the Applicant, the Township, and representatives of PennDOT. HRG concurs with that recommendation.

Response: *The applicant has been in contact with PennDOT, and PennDOT recommended, based on the accident data provided, that the Right Turn In entrance to the project site along SR-22 be removed. We have complied with this recommendation.*

6. An approved E&S plan shall be submitted to the Township once issued by Allegheny County Conservation District.

Response: *Noted. The Approved E&S plan will be submitted to the Township once issued by the Conservation District.*

Sincerely,

RED SWING GROUP

Jake Wieland,

Senior Project Manager