

**MINUTES
SCOTT TOWNSHIP
PLANNING COMMISSION
301 LINDSAY ROAD, MAIN MEETING ROOM
SCOTT TOWNSHIP, PA 15106
October 5, 2022**

The meeting was called to order by Chairman Mark Mox at 7:31 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

Approve the Minutes for the September 7, 2022 Planning Commission Meeting

Motion by Sorcan, second by Berner to approve the Minutes for the September 7, 2022 Planning Commission Meeting

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

Review and Recommendation of the Subdivision and Preliminary Major Land Development Application for the Mead Plan of Lots on Old Greentree Road – Parcels 100-E-1, 100-E-2, 100-E-3, 100-E-30 & 100-F-190

Applicant:

Jeremiah Fitzgerald
800 Hope Hollow Road
Carnegie PA 15106

Mox noted that there's a correction – the application should be considered a Simple Subdivision only at this time - the Major Land Development portion will occur once it's been determined how the Parcel 100-E-30 will be developed. He added that the applicant submitted a modification request which stated that he would affix a note on the Plan stating "No Land Development may take place on Lot Nos. 105-110 until a Major Land Development application is submitted and approved by the Board of Commissioners for the Township of Scott."

Palmer reviewed and explained the comments from the Township Engineer's Review letter dated September 29, 2022. She reiterated what Mark said previously that the application should be reviewed as a Simple Subdivision only and not Major Land Development. The Zoning Comment is more of a reminder that it looks like a future road or right-of-way is proposed adjacent to Lot 110 and therefore that lot would need to have two front yards. Under Subdivision Comment #1 which states the application requires review in accordance with Major Land Development regulations in the Ordinance. This is satisfied by the applicant's letter mentioned earlier. Comments #2 and #3 are housekeeping items asking for the plan to show the location, type and size of monuments and lot markers, and final building lines. Comment #4 refers to the Sewage facilities planning which must be provided when there's a subdivision. Palmer received an email with a Planning Module for the original Valley View Estates subdivision from 1996. As these don't expire, Palmer can use this Planning Module with a few additions: an approval letter from the DEP is needed and the applicant will need to add a statement on the plan that this is occupying only a certain number of the 39 original lots so that the Township can keep track of the lots.

Fitzgerald gave a brief overview of the history of the entire property, the engineering work, and the initial plan of lots.

Mox stated that this property was originally approved as a Planned Residential Development (PRD) and that when the applicant decided to develop the four townhouse lots he had to give up the PRD.

Fitzgerald said that is correct.

Mox reminded Fitzgerald that he would have to apply for Major Land Development because it involves more than four lots. The four townhouses that have been built, were built larger than was provided for in the original subdivision plan. This subdivision plan will correct that so that the current owner will be able to sell the townhouses.

Lee asked what the plan was for the land adjacent and behind the current subdivision.

Fitzgerald said he does not currently have a plan for the rest of the property.

Motion by Berner, second by Tulowitzki to recommend approval to the Board of Commissioners the Mead Plan of Lots Simple Subdivision Application on Old Greentree Road - Parcels 100-E-1, 100-E-2, 100-E-3, 100-E-30 & 100-F-190 – subject to satisfying the comments of the Engineer’s letter and the modification request to review as a Simple Subdivision.

All in favor
Motion Carries (7-0)

Discussion of the Updated Zoning Ordinance

Mox advised that there’s a timeline for approval of the updated Zoning Ordinance. We are advertising a public meeting for the November 2, 2022 Planning Commission meeting for a final discussion of any additional changes and hopefully a recommendation to the Board of Commissioners.

Burlett asked if there would be a copy of the Zoning Ordinance available for public review and did we make than known in the advertisement.

Mox agreed that we would have time to revise the advertisement to include that information in time for the first ad to run on October 13, 2022.

Mox said the next step is a formal presentation of the updated Zoning Ordinance to the Board of Commissioners at their next meeting after the Planning Commission meeting. Once the Board of Commissioners approves the updates, the updated Zoning Ordinance will be sent to the County. The County has 45 days to review and return comments back to the township. Mox said he wouldn’t expect to hear back from the County until the end of December.

Vogel advised that by law the County has 45 days to review and we should expect that, because the Zoning Ordinance is such a comprehensive document, the County will use the full 45 days that they are given.

Mox continued that once we receive the County’s comments, the Planning Commission will review and decide how to proceed with the comments. The County is also just a recommending body and we will have to work with the Solicitor regarding the comments that would make sense to change.

Vogel advised that the comments received by the County are not mandated changes but might be advisable changes if any parts of the Ordinance are challenged in court and those same clauses were recommended by the County to be changed. Best practice is to take the County comments seriously.

Mox continued that the once the Planning Commission makes the recommended changes, the Board of Commissioners would then hold a public hearing to receive any public comments. The hearing would have to be advertised and the earliest he could see it happening is February 2023. After the public hearing and assuming there aren’t major changes, the Board of Commissioners could vote on the new Zoning Ordinance the last meeting of the month.

Vogel advised to not be alarmed if there are delays to the timeline. He added that a summary of the Zoning Ordinance will need to be published in a newspaper and it might make sense to have it published at same time that we advertise for the public hearing. After the public hearing the BOC has 90 days in which to vote for the proposed ordinance. They could however vote the day of the hearing. Within thirty days after the enactment, the Ordinance must be forwarded to the county.

Mox said that the Zoning Ordinance update committee met once after the last Planning Commission meeting and made several recommended changes. The last change came after a hearing with the state's Liquor Control Board and Mindful Brewing. We found that the ambient noise at the roadside of the brewery exceeded what was allowed in our Zoning Ordinance. We had to change the noise regulation to so that we would have to measure at the roadside the average ambient noise level and compare it to the average noise level measured at the roadside while live music is playing at the bar. The regulation would require that the live music measured at the street would be no more than five (5) decibels higher than the ambient reading.

Berner asked what happens at a public hearing.

Mox said that he and Vogel would follow a script based on what changes were made to the Zoning Ordinance and the process involved in doing so - just hitting the highlights. Everyone is welcome to attend but most likely only he and Vogel will speak on behalf of the Planning Commission.

Lee stated the Zoning Ordinance update didn't change much, but rather refined the ordinance. The intents are the same.

Mox said the Board of Commissioners received the summary of changes that Palmer made and the timeline that Vogel penned. He added that before the 2015 Zoning Ordinance update the Zoning Ordinance hadn't been updated since 1975. Once the BOC votes to accept the updated Zoning Ordinance we hire a company to codify the Ordinance.

Burlett asked if under definitions for "Commercial" that would include Non-Profit.

Palmer suggested that because the Non-profit use isn't specifically listed in the definitions someone could challenge that and try to go into any Zoning District.

Vogel said we could revise the definition of Commercial to "Engaging in a business, enterprise, activity, or other undertaking customarily but not necessarily for profit."

Lee said he believes the township we should be able to get assurances from builders of what they're intending the building to look like. He also said the Mt. Lebanon Zoning Ordinance has these provisions.

Vogel said it's tough to regulate design standards.

Mox said there's a provision that gives the Planning Commission some latitude in accepting the design of a structure in order to protect the value of its neighbor's properties. Mox read an email response to a recent applicant's concerns over having to provide the elevations for the new subdivision. Mox wrote that the township needs to be able to verify that the homes comply with Zoning Ordinance bulk regulations while at the same time meet the Community Development objectives – conserve and stabilize the value of the properties,

encouraging beneficial and compatible land uses, promote development of uses suitable to the physical characteristics of the land and maintain the quality of the township's housing stocks.

Lee suggested that it's relevant to be able to see what is going to be built.

Mox added that if we were to include these kinds of design standards, they should be in the Zoning Ordinance so they could be enforced along with the bulk standards. Mox asked the commission if they want to add Architectural Standards for existing and new home.

Lee said it would be a very subjective endeavor and not sure we'd want to go there at this time.

Mox suggested asking the Board of Commissioners if that's something they would want.

Adjournment

Motion by Berner, second by Kaminski to adjourn the meeting

All in Favor
Motion Carries (7-0)

The meeting was adjourned at 9:14pm

Attest: _____



