

**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)

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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