



## Planning Commission

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### **PUBLIC HEARING – JULY 22, 2010**

A Public Hearing was called to order at 7:00 PM by Alan Hoffman, Planning Commission. Also in attendance were Planning Commission Members Tom Iagnemma and Jack Ramage, David Gardner, Township Engineer and Jonathan Kamin, Township Solicitor.

The public hearing was held to receive comments on proposed modifications to existing conditional uses specifically on expansions of existing communication towers that are located within the C-2 and B-1 zoning districts.

Mr. Gardner provided an overview for all in attendance a brief summary of why the public hearing is being held and of the reasoning behind the applicant's request. Upon completion of the overview presented, Mr. Gardner opened the public hearing for any questions and/or comments from the general public. There were no questions and/or comments pertaining to this particular public hearing, and all members of the Planning Commission present voted AYE to close this public hearing.

### **REGULAR MEETING – JULY 22, 2010**

#### **1.) CALL to ORDER**

Alan Hoffman, Planning Commission Acting Chairman, called the meeting to order at 7:18 P.M.

#### **2.) ROLL CALL:**

- PRESENT: IAGNEMMA, RAMAGE, and HOFFMAN
- ABSENT: NIEMANN and BOEHMER
- ALSO PRESENT: Township Engineer, J. David Gardner  
Township Solicitor, Jonathan Kamin

#### **3.) APPROVAL OF MINUTES:**

It was moved by Ramage and seconded by Iagnemma, with all members present voting aye to APPROVE the meeting minutes for the regular scheduled meeting on June 24, 2010.

#### **4.) OLD/UNFINISHED BUSINESS:**

None

#### **5.) NEW BUSINESS:**

**A. Review and discuss F-08-10, Kingsbrook Plan 2A, Kingston Drive, Minor Subdivision Application, Zoned R-2.**

In attendance were the applicants, Mr. and Mrs. Michael Van Bibber and Mr. and Mrs. Dwight Bishop.

Mr. Gardner reviewed for all in attendance the past history associated with this proposed Minor Subdivision. In summary the applicant is making a request for a Minor Subdivision in an effort to have what was formerly known as the common area (Parcel C) of the Kingsbrook Plan of Lots, Phase 2 and officially incorporate the common area into each of the applicant's respective lots. As part of the original approved plan for Kingsbrook Phase 2, there was an area on the recorded plans that was designated as active space, which was to be used by members of the Home Owner's Association for active recreation use. However, since the completion of this subdivision the Home Owner's Association, along with all of the implacable residents chose not to utilize this area for active recreation. As such the Van Bibber's and the Bishop's were forced to maintain this open space area at their own cost. The applicants have been working several years to have this area officially removed from the Home Owner's Association and incorporated into their lots. It wasn't until recently the Home Owner's Association took action to turn over this parcel of land to the Van Bibbers and the Bishops. Accordingly this Minor Subdivision is to divide Parcel C and officially and legally turn this parcel of land over to the applicants.

Mr. Gardner informed the members of the Planning Commission that the applicant and their engineer addressed all the comments as outlined in the Township Staff Review Letter dated July 16, 2010. There were no extensive questions offered by the members of the Planning Commission.

It was moved by Ramage and seconded by Iagnemma, and with all other members present voting AYE to approve the Minor Subdivision of the Kingsbrook Plan 2A (F-08-10), in accordance with the review comments as presented in the Twp. Staff Review Letter dated July 16, 2010.

**B. Review and discuss CU-02-10, Clearwire - Verizon, 18 Abele Road, Conditional Use Application, Zoned B-1.**

In attendance was Mr. David Hennon of Clearwire Wireless Services.

Mr. Gardner reminded all in attendance the public hearing for this application prior to the start of this meeting. There were not any questions asked by the public. Mr. Gardner reviewed for all in attendance the application as well as the comments as outlined in the Township Staff Review Letter dated July 16, 2010. The applicant is requesting to add a radio antenna to the existing structure located directly the Verizon Building in Abele Business Park. Within the B-1 zoning district a communications antenna is considered a conditional use; accordingly given the applicant's request to expand issues, a conditional use application is required and is to be

reviewed and subject to Section 240-95A, (11). Members of the Planning Commission questioned why this application was being brought forth to the Planning Commission given the existing tower was not being structurally changed and/or altered. Mr. Kamin responded that when a use is defined as a conditional use, regardless of the zoning district is present, anytime there is an expansion and/or alteration to that use it is the right of the municipality to review the subject expansion and determine if it is in the same frame work as the conditional use was intended.

Mr. Gardner stated that within the supplemental regulations outlined in the Township Zoning Ordinance for this particular use it states within a B-1 District the height of a communications tower should be no greater than 100 feet. The height of the tower is 132 feet and exceeds this limitation. Mr. Gardner questioned if the expansion of this tower could be interpreted as an expansion of a non conforming use and as such would need to be submitted and reviewed by the Township Zoning Hearing Board. Mr. Kamin said he did not believe this has to be reviewed by the Township Zoning Hearing Board because of the expansion is not altering the present height of the structure or altering any major structural component of the tower. After further discussions pertaining to this particular matter, Mr. Kamin requested the applicant review this matter with their attorney and submit a written memorandum to the Township outlining their request and provide written documentation of why this subject request should not be interpreted as an expansion of a non conforming use.

It was moved by Ramage and seconded by Iagnemma, and with all other members present voting AYE provided the applicant comply with the requirements as outlined in the Twp. Staff Review Letter dated July 16, 2010 and the applicant supply to the Township the memorandum the Township Solicitor requested. If the subject memorandum is not received by the next Board of Commissioner's Workshop meeting this application will not be presented to the Board at that time.

**C. Review and discuss CU-03-10, Clearwire – Melrose Cemetery, 3064 Washington Pike, Conditional Use Application, Zoned C-2.**

In attendance was Mr. David Hennon of Clearwire Wireless Services

Mr. Gardner reminded all in attendance the public hearing for this application prior to the start of this meeting. There were not any questions asked by the public. Mr. Gardner reviewed for all in attendance the application as well as the comments as outlined in the Township Staff Review Letter dated July 16, 2010. The applicant is requesting to add a radio antenna to the existing structure located directly the Verizon Building in Abele Business Park. Within the B-1 zoning district a communications antenna is considered a conditional use; accordingly given the applicant's request to expand issues, a conditional use application is required and is to be reviewed and subject to Section 240-95A, (11). Members of the Planning Commission questioned why this application was being brought forth to the Planning Commission given the existing tower was not being structurally changed and/or altered. Mr. Kamin responded that when a use is defined as a conditional use, regardless of the zoning district is present, anytime there is an expansion and/or alteration to that use it is the right of the municipality to review

the subject expansion and determine if it is in the same frame work as the conditional use was intended.

Mr. Gardner stated that within the supplemental regulations outlined in the Township Zoning Ordinance for this particular use it states within a C-2 District the height of a communications tower should be no greater than 100 feet. The height of the tower is 132 feet and exceeds this limitation. Mr. Gardner questioned if the expansion of this tower could be interpreted as an expansion of a non conforming use and as such would need to be submitted and reviewed by the Township Zoning Hearing Board. Mr. Kamin said he did not believe this has to be reviewed by the Township Zoning Hearing Board because of the expansion is not altering the present height of the structure or altering any major structural component of the tower. After further discussions pertaining to this particular matter, Mr. Kamin requested the applicant review this matter with their attorney and submit a written memorandum to the Township outlining their request and provide written documentation of why this subject request should not be interpreted as an expansion of a non conforming use.

It was moved by Ramage and seconded by Iagnemma, and with all other members present voting AYE provided the applicant comply with the requirements as outlined in the Twp. Staff Review Letter dated July 16, 2010 and the applicant supply to the Township the memorandum the Township Solicitor requested. If the subject memorandum is not received by the next Board of Commissioner's Workshop meeting this application will not be presented to the Board at that time.

**D. Discuss possible expansion of the Washington Overlay District.**

Mr. Gardner stated that this matter is a continuation of the discussions held at the June meeting pertaining to a request made by a South Fayette resident to possibly have the property they own be made part of the Washington Pike Overlay District.

Extensive discussions were held between all parties pertaining to such matters as where the present Overlay District begins and ends, what has been the problems and benefits associated with this district since the date of formulation, and how does the governing body of the Township determine which properties should and should not be included in this possible expansion of the Overlay District. Members of the Planning Commission reviewed the used as outlined in the Overlay District both permitted and conditional. Discussions were held as to if PennDot would permit additional openings and/or expansion to existing curb cuts should Washington Pike be expanded. Mr. Gardner stated he had pre discussions with PennDot's Permit Department regarding this matter within District 11 and their response was less than favorable given the radical changes and horizontal and vertical alignment of Washington Pike that would greatly reduce the permissible sight distance required for a low volume driveway in this area.

Members of the Commission stated that it was their opinion that no decision and/or extensive discussions should be made until the update to the Comprehensive Plan is complete to assure that any and/or all recommendations from the Comprehensive Plan Committee are taken into account. With respect to the individual property owner's request the Planning Commission recommends this request as well as similar one's in the future will be considered on a case by case basis to determine if the applicant should request a use variance or a rezoning of the property.

6.) **OPEN DISCUSSIONS**

**Continue discussions on the pending gas well ordinance.**

7.) **ADJOURNMENT**

At 8:26 P.M., it was moved by Iagnemma and seconded by Ramage with all members present voting AYE to adjourn this meeting.

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Michael W. Hoy, Township Secretary

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Chris Niemann, President

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Date

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Date