

MUNICIPALITY OF MONROEVILLE

PLANNING COMMISSION

JANUARY 18, 2023

MINUTES

The meeting was called to order by Secretary Bruce Walker at 7:30 p.m.

PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE

The Pledge of Allegiance was recited and a moment of silence observed.

ROLL CALL

The Recording Secretary, Sharon McIndoe, called roll and the following were present: Bruce Walker, Paula Montgomery, Heidi Lawrence, Ronald Massung, Leonard Bertoni and Paul Whealdon. Mr. Pokusa and Mrs. Krivda were absent.

APPROVAL OF MINUTES

There being no corrections, additions or deletions to the minutes of the Regular Meeting of December 21, 2022, a motion was duly made by Mrs. Montgomery to approve them, as submitted and Mr. Massung seconded it. Upon a voice vote, the motion carried unanimously.

OLD BUSINESS

CONDITIONAL USE 22-5-C

BOWSER GENESIS

The applicant is requesting Conditional Use approval, pursuant to Section 401.8 of the Monroeville Zoning Ordinance No. 1443, as amended, to permit a cut and fill operation totaling approximately 40,500 cubic yards of earth. The project area is approximately 16.80 acres and known as Tax Parcel ID 1107-H-175 in the C-2, Business/Commercial Zoning District.

This application was tabled at the November 16, 2022 meeting.

CONDITIONAL USE 22-6-C

BOWSER GENESIS

The applicant is requesting Conditional Use approval to establish a vehicle sales business on a 16.80-acre vacant parcel of land adjacent to the existing Bowser Dealership on Route 286. The property is known as Tax Parcel ID 1107-H-175 in the C-2, Business/Commercial Zoning District.

This application was tabled at the December 21, 2022 meeting.

Mr. Whealdon reported the applicant is still working through some geotechnical engineering problems so they requested a tabling.

NEW BUSINESSSUBDIVISION 22-7-SUB
HEDFORS CONSOLIDATION

The applicant is requesting Preliminary and Final Subdivision approval to consolidate Lot 642-E-15 and Lot 642-E-335 into one lot with a total acreage of 8.519 acres. The properties are located at 575 Thomas Street in the R-2, One-Family Residential Zoning District.

Mr. Whealdon made the presentation for the applicant. He explained it is a simple two-lot subdivision. He stated the resident purchased the inner lot with an existing house and the surrounding property from the same property owner. He reported the applicant is requesting to have the inner property line eliminated through the consolidation process so it will become one lot. He again stated it is a simple two-lot consolidation.

There being no discussion, Mrs. Lawrence duly made a motion to approve Application No. 22-7-SUB and Mr. Massung seconded it. Upon a voice vote, the motion carried unanimously.

SITE PLAN 23-1-ST
GATEWAY SCHOOL DISTRICT

The applicant is requesting site plan approval to construct a hard surface for the school band to practice on. Sidewalks and an above ground stormwater management pond are to be constructed as part of the project and the practice surface shall be a green design using permeable pavement. The property is located at 9000 Gateway Campus Boulevard and known as Tax Parcel ID 857-D-309 in the R-2, One-Family Residential Zoning District.

Ms. Kristi Mitchell, Registered Landscape Architect, came forward along with Mr. John Shaffer from JT Sauer and Associates representing the applicant. Ms. Mitchell presented the site plan and reviewed it. She stated there is a natural grass ball field and she pointed out Gateway Campus Boulevard stretching from the north to the west of the site. She reported currently the band practices on a parking lot and the school district wants to designate an actual paved area for them. She explained this site would depict football field lines on a paved area for the band. She pointed out there would be an access drive from below the area for any kind of equipment they would need for the day. She reported the band would use it during and after school hours. She reported the different shade of green area is the storm pond that would handle all of the storm water management for the site. She added they are currently working on the updates since the municipal engineer's review and are updating their drawings. She reported they have an access for interior circulation to allow for the band members to get down to the field.

Mr. Walker inquired whether it is angled because there is a hillside and Ms. Mitchell answered affirmatively. She stated that is to get the correct grade to get down complying with the ADA. She further explained the added sidewalk per the municipal zoning officer that goes all along Gateway Campus Boulevard. She stated their client requested phasing be part of the project due to its size. Mr. Whealdon inquired what kind of criteria was used for the phasing and Ms. Mitchell felt they are open for suggestions but were hoping it could be put in sections over a course of a few years.

Mrs. Montgomery inquired whether the phasing is just for the sidewalks and Ms. Mitchell answered affirmatively. She added it is just for the sidewalk that wraps around Gateway Campus Boulevard. Mr. Whealdon felt it would make sense to do it now while they have all the equipment at the site instead of bringing it back after the project is complete. Ms. Mitchell explained it is located on the edge and has access to the road from all areas. She pointed out the field where it is located is a lot lower. Mr. Shaffer added the school indicated they can still use the walk way that would be built at that time to get over to the area to take the children off the road. Mr. Whealdon asserted it is not so much the children with the matching band as it is for the pedestrian traffic between the apartments and the school. He stated a lot of people walk on Gateway Campus Boulevard and added that sidewalk should have been installed decades ago when the campus was built. He explained council will make the final decision on granting of the phasing but it should all be done at once.

Mrs. Montgomeria inquired whether they are requesting the phasing because of the cost and Ms. Mitchell answered affirmatively. Mr. Shaffer added they had an allotted budget and this was something they did not plan so they considered phasing for financial reasons.

Mr. Whealdon reported it can be explored with council and they will have the chance to make that presentation to council next month. He suggested they should have a time schedule of why they are requesting it and the cost. He felt it is a nice project and the band will appreciate it. He asserted it would be nice to see how the permeable pavement will work.

Whereupon, Mrs. Montgomery duly made a motion to approve Site Plan Application No. 23-1-ST and Mrs. Lawrence seconded it. Upon a voice vote, the motion carried unanimously.

ZONING ORDINANCE WORK SESSION

Update regarding the revisions to the zoning ordinance.

The item was tabled at the December 21, 2022 Planning Commission Meeting.

Whereupon, Mr. Walker duly made a motion to un-table the zoning ordinance and Mr. Bertoni seconded it. Upon a voice vote, the motion carried unanimously.

Mr. Whealdon reported last month the planning commission discussed the proposed zoning ordinance and there were some issues raised by the residents. He asserted the key issue was oil and gas. He pointed out there is a comprehensive section included for oil and gas and he added a section for injection wells. He reported council has not released the draft of the proposed ordinance to the public. He explained they want to have their public meeting first before the draft would be released. He suggested he would go over some of the changes in the zoning ordinance but there are no significant changes from last month. He recommended it be approved to go to council so they will release the draft for public disclosure.

Mr. Whealdon mentioned the big items that have been changed is they added mixed use sections so the retail and commercial properties along Routes 22, 48 and 286 have the opportunities to rent spaces for apartments. He suggested it would mimic downtown or Squirrel Hill where there are businesses on the first floor and apartments above. He reported they added a medical overlay district which is located primarily around Forbes Hospital, AHN and UPMC and goes down the corridors of Routes 22 and 48 to allow for expansion of medical office buildings or create a larger campus

atmosphere. He added this would make it easier regarding zoning. He stated there are still a lot of restrictions but it makes it more development friendly for the hospitals.

Mr. Whealdon noted there is a flood plain section included that has been significantly updated. He explained the Pennsylvania Municipal League helped him rewrite the zoning section and it follows PEMA and FEMA regulations. He stated that section is new and has changed a lot. He reported they are trying to keep people from building in flood plains even though Monroeville does not have a lot of development located in them. He added they are trying to keep people from any future development in a flood plain.

Mr. Whealdon mentioned some sections have been added with design criteria for chickens because he has been getting a lot of requests for them. He mentioned how they are attempting to keep chickens from running down Monroeville Boulevard.

Mr. Whealdon pointed out a couple of empty buildings have been turned into banquet halls and the biggest problem with them is the parking. He explained these are businesses that are no longer at the location for office space with a specific number of cars allowed but the number of parking spaces is uncertain for a banquet. He stated regulations have been added for banquet halls.

Mr. Whealdon reported there is a section for breweries. He stated criteria has been added because there have been some companies that start out as a hobby then grow. Mr. Whealdon stated distribution centers have been added and criteria was added because Amazon was almost located in Churchill.

Mr. Whealdon reported criteria has been added for medical marijuana since Monroeville has three dispensaries. He felt they would increase and he mentioned the distance between stores was included and where they can be located.

Mr. Whealdon reported outdoor dining has increased because of Covid so criteria was added for additional seating outside.

Mr. Whealdon added shipping containers have been addressed with added criteria. He explained people want Pods and storage containers in their yards.

Mr. Whealdon reported oil and gas has had significant changes to it. He explained he incorporated the proposed ordinance from 2018 into this zoning ordinance. He pointed out it has added 1,200-foot setback requirements which is significant. He showed an enlargement of a section of the zoning map. He pointed out the largest M-2 Industrial area and the Sheetz at the bottom of Route 48 and McDains Driving Range, the Speedway and the big rail yard below Pitcairn. He reported it is Monroeville property. He pointed out a circle that represents a 1,200-foot radius which has 2,400 feet across or a half mile. He stated the setbacks are currently 1,200 feet in the proposed ordinance so it is clear that it already does not fit in the M-2 Districts. He felt that is as large as the setback can be without getting into trouble. He reported this is an illustration to show the residents how big a 1,200-foot setback is. He pointed out it is twice the size of McDains' Driving Range.

Mr. Whealdon presented a proposed zoning map that encompasses all of the things just mentioned and what revisions were made. He explained the red areas are commercial retail districts, he

pointed out Route 22, the Parkway, the Turnpike and Route 286. He reported the purple area on the proposed map is the blue area on the existing map showing the location of McDain's Driving Range, Sheetz and the Speedway. He pointed out the landfill area and explained all the green areas are conservancy and added they are mostly steep slopes and are parks which is not conducive to development. He pointed out the medical overlay district that is located around Forbes Hospital and UPMC which is the striped area. He stated it would allow hospitals to expand.

Mr. Whealdon stated that was all the revisions to the zoning ordinance.

Mr. Massung inquired whether the hospitals are looking to expand and Mr. Whealdon answered they are always looking to expand. He asserted Monroeville is fortunate that they have two premier hospitals located here.

Mr. Walker inquired whether the medical overlay included the former North American Martyrs and Mr. Whealdon answered affirmatively. He pointed them out.

Mrs. Louis Drumheller, a resident, came forward to express her concerns. She inquired whether any of the members of the planning commission were able to view the council meeting from the previous week because she attended the meeting as a follow up to the last planning commission meeting. She requested the commission reconsider tabling the ordinance again. She indicated she has reasons but she had questions first. She inquired whether the planning commission can identify the changes listed by Mr. Whealdon specifically adding things to the oil and gas operation such as the injection wells and where they will be located on the use table. She asserted she did not see the use table and questioned whether anyone can get the use table in a large format to review. She explained it is hard to look at the proposed zoning map without the use table. Mr. Whealdon explained the injection wells fall under the oil and gas so it would be the same districts. Mrs. Drumheller stated going alphabetically on the use table, compressor station was part of oil and gas operations but compressor station is on the use table as a conditional use in M-2. She felt it is as important to know where it goes on as it is to know how it can go on. She suggested the 1,200-foot setback was discussed in the work shop to make it appear that the municipality was not being exclusive if they would have to make room for oil and gas operations. She stated the municipality wants to have it in an area that has the ability to have a setback that is better than the state's setback of 500 feet. She inquired whether the 1,200 was discussed in the work shops and Mr. Whealdon answered affirmatively.

Mrs. Drummer suggested the M-2 District can fit a compressor station and there is no question of it going into M-2. She asserted the oil and gas operations that she saw on the use table for everything else that fell under oil and gas operations, which would probably be the injection wells, are in the area which is the landfill. She pointed out Pitcairn to one side and south of it is the Mellon Plan. She felt that area, even though it is classified as LF or landfill, is where there is a conditional use for oil and gas operation. She stated there is just nothing that is big enough to encompass it. She questioned where the notion came from to make the landfill revert to being a conditional use for oil and gas. She explained prior to this in 2018 all oil and gas was in M-2. She again inquired who came up with the idea of having the landfill having the district that oil and gas operation could go in and asked whether it was the commission. Mr. Whealdon answered it was not the planning commission. He was uncertain where it came from and whether it was on a previous use chart. He explained he inherited a draft of the document and he was uncertain whether it was labeled as a conditional use and he carried it over. He stated no one specifically advised him to put it in a certain district and he was uncertain where it came

from. Mrs. Drunheller stated the landfill is LF. Mr. Whealdon explained currently it is S-1, Special Conservancy. Mrs. Drumheller referred to the ordinance from 2018 that was pulled and never voted on that was proposing the landfill be changed to S-1 and the ordinance where oil and gas operations would take place. She questioned who penned that ordinance and where it came from and Mr. Whealdon was uncertain. He stated that ordinance came about when he started with the municipality and he was uncertain where it came from.

Mrs. Drumheller reported her memory tells her that Mr. Wratsher penned the ordinance. She stated his experience goes back with APEX Energy and all the many oil wells that were unconventional fracking wells. She felt he had good knowledge of what would normally appear in that ordinance. She inquired whether anyone on the commission had a chance to read the ordinance that was added because she felt it was the same ordinance that was penned from 2018. Mr. Whealdon suggested it is the same wording and he incorporated it into the proposed zoning ordinance. He referred to the comment about having it in all the districts and reported there was a similar situation with timbering. He explained they tried to limit timbering and there was an organization in Monroeville that sued the municipality because they felt the restrictions were too harsh. He reported it was taken to the attorney general and the municipality was forced to put timbering in every zoning district. He suggested that is the same risk for oil and gas. He felt if the municipality gets too restrictive someone could sue the municipality and the attorney general will require that it is in every district.

Mrs. Drumheller pointed out the new governor had a grand jury that had recommendations that this is strictly an industrial operation. She inquired after the council meeting of the mayor and manager whether there were any decisions concerning a meeting or discussion with the planning commission. She reported the manager indicated it could be considered later and the mayor indicated it would have to be advertised. Mrs. Drumheller inquired whether any of the planning commission members are aware that there will be dialogue between council and the planning commission concerning this ordinance and there is something still labeled S-Conservancy, green space and there is a conditional use of oil and gas. She pointed out all of the green space, all of the landfill, all of the park space, all of the common space between neighborhoods and all of where wild life roams in all of the seven wards is all open under the proposed rules for conditional use for oil and gas. Mr. Whealdon contended none of those areas will meet the setback requirements. Mrs. Drumheller questioned why have them conditional use and why not decide what is going to be industrial use. She questioned if it was thought that the landfill was the only place fit for industrial use whether there was any discussion on changing it to M-2. She asserted the residents of the Mellon Plan will not be happy with it. She contended if the municipality needs to keep it in an industrial zone which is what the state is recommending with the restrictive setback requirements, someone could change the setbacks at a later time. Mr. Whealdon stated the zoning districts could be changed just as easy. Mrs. Drumheller again questioned why that would not have been considered since it is adherence to an industrial process. She suggested no one knows where the suggestions came from and whether or not the landfill was going to be made an M-2. Mr. Whealdon reported there has not been any discussion about it but it could certainly happen. He stated the LF/landfill district is the only spot for it and it is adjacent to an M-2 district so it could easily become an M-2 district.

Mrs. Drumheller asserted this is an example of why she is requesting the tabling be extended. She reported no one in the municipality has the right to understand what is going on with the changing of these districts has had a chance to see them unless they see it on a playback they can zoom in on You

Tube to read it. She contended there is no way the public has been able to look at the map, the use table, the language or the new language since the 2018 ordinance for oil and gas was added. Again, she questioned how anyone can weigh in and know what is going on unless the residents can see the information. She reported she got no answers to her requests to council and mayor as to when the public can look at the draft documents. She further explained how it does not make sense that it is not available to the public. She pleaded with the planning commission to extend the tabling because she did not get an answer. Mr. Whealdon reported that it was alluded to at the council meeting that the draft would not be released until the public hearing. He recommend this be passed to council so the draft can be released. Again, Mrs. Drumheller questioned when that would happen and how much time the public would get to look at it. Mr. Whealdon suggested it would be on councils' agenda for two months which will be four meetings and if it goes to three months it would be six meetings and it will give the public at least two months to review the document. Mrs. Drumheller wanted to know if she would be able to physically look at, touch, turn the pages and see it at the library. Mr. Whealdon concurred and he added a copy would be put on the website and a couple of hard copies could be made available at the library. Again, he stated that would not happen until it is in front of council. He stressed if it stays at planning commission it will not be released.

Mrs. Drumheller reported it used to be and could be in the future be a planning function that the planning commission works on. She pointed out if she would have had the chance she would have asked Strategic Solution whether it came from them. Mr. Whealdon inquired what part she is referring to. Mrs. Drumheller answered the use table and Mr. Whealdon stated they did not make that decision. Mrs. Drumheller asserted it happened but no one knows who directed it. Mr. Whealdon indicated he could look back to his first draft to see where it was. Mrs. Drumheller stated she wanted to know.

Mr. David Mintz, a resident, came forward to follow up on a few of the ideas and points from Mrs. Drumheller. He referred to the idea that council does not want to release the proposed ordinance until it is forwarded to them for the public hearing. He explained the reason he spoke at the previous planning commission meeting was because the legal advertisement indicated it was a public hearing. He expressed his confusion about him not having a copy of it to follow along while Strategic Solutions reviewed the material since it was referred to as a public hearing. He felt it was interesting that it will not be made available to the public until there is a public hearing for council even though it was advertised last month as a public hearing at the planning commission. Mr. Whealdon contended there is a difference between a public hearing and a public meeting. Mr. Mintz was uncertain whether it was a public hearing or public meeting.

Mr. Mintz pointed out the number one rule of zoning is to have an appropriate use in an appropriate zone. He explained that is why when they spoke to the previous council when the oil and gas development was allowed in all the zones, it was decided that was not an appropriate use in an appropriate zone and they restricted it to an M-2. He explained the hydraulic fracturing is a very industrial process which is why they put it there.

Mr. Mintz reported that he mentioned at the council meeting that the 1,200-foot setback seems better than a 500-foot setback but if scientific study is reviewed, he felt if the setback is changed it should be based on actual science or legal studies. He referred to the University of Maryland where it recommended at least 2,000-foot setback based on studies that protect people and their health. He felt scientifically it should be at least 2,000 feet. He reported the current governor when he was the

attorney general held a grand jury hearing about this subject of hydraulic fracturing and protecting the public. He stated the number one recommendation from the grand jury is that the setbacks in Pennsylvania should be 2,500 feet minimum. He suggested there is a lot of information that would lead him to ask why the 1,200 feet was used as an adequate number. He explained if makes it exclusionary in the M-2 and it makes it available as a conditional use in LF (landfill) and S-Conservancy, he was uncertain whether there is any S, Conservancy in Monroeville that would allow injection wells with the 1,200 feet. He questioned whether the 1,200 feet fits within any of the S-Conservancy areas of Monroeville. Mr. Whealdon pointed out it does not fit in the M-2 area by the rail yards which is the widest M-2 area in Monroeville. He did not think there were any S-Conservancy areas that are that wide on the map. Mr. Mintz looked at some of the areas around the landfill or Monroeville Park area west. He stated he does not have the information to identify where an injection well could be located. He again stated the S-Conservancy are the areas where the parks, between neighborhoods and next to schools. He reported Plum is currently involved in a law suit and an appeal about an injection well. He stated there is one in Plum and they are fighting the second one proposed. He wanted to prevent the injection wells from coming into Monroeville.

Mrs. Montgomery inquired about the setbacks in Plum. Mr. Mintz reported the first injection well in Plum went in before they had rules and now the proposed second one is happening after Plum had rules which is why it is going to court. He further explained the appeal.

Mr. Mintz asserted it is important to know where the 1,200 feet came but also why that number was selected. He felt the 1,200 feet is a mystery. Mr. Whealdon reported Plum only requires 500 feet for an injection well. Mrs. Montgomery pointed out that is the standard. Mr. Mintz point out that is what Monroeville is currently which is the state rule. Mr. Whealdon agreed and stated the proposed ordinance requires 1,200. Again, Mr. Mintz stated the 1,200 feet is not based on anything. Further discussion issued.

Mrs. Montgomery suggested the 2,500 feet sounds like it would be a state change to the municipal code. Mr. Mintz stated that it would be a recommendation by the grand jury which is enacted by the state legislature. Mrs. Montgomery agreed that in order to not be exclusionary the only space it would fit is in the landfill. Mr. Mintz was not certain because he does not have the information. He just wanted to make sure that Monroeville is protected. He mentioned Penn Township, Plum and Murrysville and stated it is happening all round us. He thanked everyone for their patience and looked forward to knowing the facts.

Mr. Mintz reported the planning commission last month was advertised as a public meeting.

There being no further discussion, Mr. Montgomery duly made a motion to move the zoning ordinance to council and Mr. Massung seconded it. Upon a voice voted, the motion carried unanimously.

ADJOURNMENT

There being no further business to come before the planning commission, at this time, Mr. Massung duly made a motion to adjourn the meeting at 8:17 p.m. and Mr. Bertoni seconded it. Upon a voice vote, the motion carried unanimously.

Respectfully submitted,

Anthony Pokusa
Chairman

AP/sam