

## **ROSS TOWNSHIP PLANNING COMMISSION**

### **MONTHLY MEETING**

May 13, 2025

The Ross Township Planning Commission meeting scheduled for May 13, 2025, was called to order by Chairman Roger Christman, at 7:02pm. The meeting was held at the Township Municipal Building.

In attendance were the following Planning Commission Members: Chairman Roger Christman, Vice-Chairman Rick Meixsell, Lauri Lapping, Roger Green Jr, Herb Stecker, David Labar and Frank Piraino Jr.

Also in attendance were Attorney Michael Gaul, of the King Spry Law Firm, Planning Commission Solicitor, Township Engineer Russ Kresge, from Keystone Consulting Engineers, Shawn McGlynn from SFM Consulting, Township Zoning Officer and Building Code Official.

Township Supervisor Randy Detrick attended the meeting via cellphone speaker provided by Chairman Roger Christman.

Dan Saunders, John Dennis, and Attorney Joseph Weismeth attended the meeting on behalf of the Catherine Andrew Land Development Plan. Chris McDermott of Rielly Engineering also attended on behalf of the Catherine Andrew Plan, but arrived after the meeting started.

Members of the public also attended.

#### **APPROVAL OF MINUTES:**

A motion to approve the minutes of the April 15, 2025 meeting as presented was made by David Labar and seconded by Herb Stecker. The motion carried unanimously.

#### **COMMUNICATIONS:**

Township Solicitor Attorney Gaul went over a list of communication items received in regards to the Catherine Andrews Land Development Plan that included:

1. The letter received from the Board of Supervisors indicating the extension granted to further review the Plan that was referred back to the Planning Commission for recommendation.
2. A memo received from the Zoning Officer.
3. A copy of the granted extension received from the Township Secretary.
4. The updated Plan filed 5/5/25 at the Board of Supervisors Meeting that had been circulated by the Township Secretary.

It was stated that all of these items had been provided to the members of the Planning Commission within their meeting packets.

Chairman Roger Christman stated he wanted to discuss the letter received from the Zoning Officer and asked Zoning Officer Shawn McGlynn to present his view of the Plan. Mr. McGlynn stated the Board of Supervisors had accepted a modification to the SALDO requirements for the road access to the Andrews Property. He continued with stating that the Zoning Ordinance states the land would have to be accessible by a Township Road or a private road meeting the standards set in the SALDO and questioned whether the Board of Supervisors' decision to accept or a lesser standard or waive the requirement for the purposes of the SALDO approval lessened the requirement under the Zoning Ordinance, which the Board did not have the ability to waive. Mr. McGlynn stated he believed a variance would be needed for the Zoning Ordinance.

Mr. McGlynn then stated the property was considered to be an existing nonconformity, and adding a second dwelling may increase the nonconformity if the required road frontage does not exist. Based on his review, the Plan should have been brought before the Zoning Hearing Board for either a Special Exception for expanding the nonconformity, along with a Variance to the Zoning Ordinance on behalf of the applicant.

Attorney Gaul stated his role is to advise the Planning Commission, not the Zoning Office and that the Zoning issue was not an item he had evaluated because the issue had only recently been raised and he had been away. He further stated the Planning Commission should know whether or not any special relief would be required from the Zoning Office, as it could be a condition of Land Development approval. If such relief would be needed, the applicant would need to resolve the issue with Zoning instead of the Planning Commission to guarantee Zoning compliance.

Attorney Gaul suggested, in reference to the Zoning letter from Zoning Officer Jeff Snyder, that the Planning Commission request an addendum from the Zoning Office on whether or not any special Zoning relief would be required for a zoning permit. If so, obtaining such relief would, at minimum, be added as a condition of any Planning Commission recommendation on the Plan. Mr. Snyder's current memo did not offer enough information to formulate a recommendation.

Zoning Officer McGlynn suggested that the applicant or Planning Commission request a Formal Determination from the Zoning Officer so he would have sufficient time to research and give a fair analysis of the Plan. After this, the applicant would have the option to appeal the decision to the Zoning Hearing Board, if there was a disagreement, or request a variance to resolve any issues and move forward.

Attorney Weismeth stated he had not received a copy of the Zoning Memo being discussed. Attorney Gaul provided his copy for him to be able to review. Attorney Gaul asked Attorney Weismeth, and the other attendees for the Catherine Andrews Plan, to confirm that other Engineering letters were being received. Attorney Weismeth said they were being received by the applicant's engineer, who would provide them to him.

Attorney Weismeth stated he would be willing to work with the items of the Zoning Memo, but that the Zoning Officer did not have jurisdiction over a Land Development application and that the Zoning Officer could give a recommendation, but that the final decision would be with the Planning Commission to make a recommendation to the Board of Supervisors if they felt any special exceptions would need to be granted.

Attorney Gaul stated that a development plan needed to comply with the Township Zoning Ordinance, and that if the submitted Plan did not comply with zoning requirements or required special relief, the Planning Commission should take that into consideration. However, it was not usual for a developer to pursue a SALDO approval and special zoning relief simultaneously. Attorney Gaul then referenced Section 502.C for Determination of Completeness of a Submission which states applications for Subdivision and Land Development shall comply with the Township Zoning Ordinance and that the application will not be considered complete under the SALDO for purposes of starting the clock of the mandated time limit if one or more Zoning Variance or Special Exception or Conditional Use approvals would be required for the Land Development to legally occur are submitted and any approvals have been granted. During that time, the application may still be reviewed by the Township and the Board of

Supervisors may deny approval of the application or may approve it with conditions of later approvals of a Zoning Variance, Special Exception or Conditional Use. Attorney Gaul stated the Planning Commission would need more information and direction from Zoning to move forward with a recommendation on the Plan.

Attorney Gaul recommended the Planning Commission to make a motion to request a determination from the Zoning Officer if any Zoning relief would be required.

Lauri Lapping made a motion to request a determination from the Zoning Officer as to whether or not any Zoning Relief, such as any Variances, Special Exception or Conditional Use, would be required for the Landowner to receive a Zoning Permit for Land Development.

After the motion was made, Zoning Officer Shawn McGlynn shared that the property is a nonconforming lot, but Section 805.C.2 references that a new permitted structure for a single permitted by rights principal use, and its accessory uses, may be constructed, reconstructed or expanded on a nonconforming lot of record as permitted by right use if the minimum setback requirements are met. With this, Mr. McGlynn stated it appeared no special exception would be required to add the home to the property and instead his primary focus would be on the access lane. Attorney Gaul stated the Planning Commission would still prefer to have something in writing and asked that the determination be submitted at least 10 days in advance of the next meeting. The determination would be shared with the applicant as well to allow time for them to respond.

The previous motion from Lauri Lapping to request a written determination if any Zoning Relief, including Variances, Special Exceptions or Conditional Use, would be required for the applicant to receive a Zoning Permit for the Land Development Plan was seconded by Roger Green Jr and passed unanimously.

Chairman Roger Christman asked if that was all for Communications. Attorney Gaul replied that he had not had time to complete his review of the recently resubmitted plan, and prior application history. Attorney Gaul stated he had spoken with Alternate Township Engineer Tighe Meckes in regards to the required Stormwater Calculations, which may have an impact on the Plan, that will need to be reviewed by the Planning Commission. The Planning Commission had previously allowed the applicant to delay submission of stormwater calculations until the Board of Supervisors heard their modification request, but the Board had now granted their request, and the applicant was expected to provide the necessary information.

Attorney Gaul stated the Planning Commission would need to review the most recent submission of the Plan, along with receiving a review letter from the Engineer. Mr. Meckes informed him that he reviewed the cross section and width of the road, at the request of Mr. McDermott prior to the Board of Supervisors' meeting, but that he did not consider it to be a formal submission for review as it had not been submitted through the Township. A formal Engineer review still needed to be completed.

Attorney Gaul stated there were other comments that had been discussed with the applicant's Engineer Chris McDermott that would need to be reviewed to determine whether or not they had been resolved before a recommendation. Because the applicant was requesting approval of a Preliminary/Final Plan, there would still be conditions to the approval which could include items such as if a Stormwater Management Agreement or Improvements Agreement would be necessary. A previous request to

postpone submission of an E&S Plan until a Building Application had been filed was okayed by the Planning Commission, but would need to be reported to the Board of Supervisors before a final decision could be made.

Chairman Roger Christman stated he had a question on the letter, dated April 7<sup>th</sup>, received from the Board of Supervisors in regards to Section 1004.A.3 that covers the required standards of the structure of the road in Subsections 5 and 6. Attorney Gaul stated he had not looked at the item in detail, but that main issue concerned whether the Board would allow more than one principal use on an existing lot serviced by a private access street that did not meet municipal standards, which the Board of Supervisors decided to allow subject to certain conditions. An Engineer review would need to be completed to make sure everything was in compliance and issue a formal letter instead of an email to the applicant.

Chairman Roger Christman stated his concern for when the road would need to be updated to the proper specifications to meet Township standards, as there is other land that will be developed in the future which could include the requirement of a HOP. Attorney Gaul stated the best approach would be for the Township Engineer to issue a letter, which should be received for each submission; that new letter could convey any other issues that may need to be addressed for the Plan. Attorney Gaul also stated his intent to review prior communications to see what items had, or had not, been resolved, along with receiving information from the Zoning Officer. After this, conditional items could be determined for recommended approval and any waivers could be reported, so as to frame a decision by the Planning Commission for the next meeting.

Mr. Saunders asked about the granted delay for the E&S and Stormwater Management Plans. Attorney Gaul stated the delay was only granted for E&S until the application for a Building Permit. The Stormwater Analysis was only to be postponed the Board's decision on the applicant's modification request.

Attorney Weismeth stated he had seen communications between Mr. Meckes and Mr. McDermott in which Mr. Meckes stated he would be willing to make a recommendation with the condition of the Stormwater Calculations being provided for Township Approval at a later date. Attorney Gaul stated that the submission delay was not for the Stormwater Analysis and that Mr. Meckes was aware the calculations would be required to be reviewed before making a recommendation to the Board.

Chairman Roger Christman asked if there were any questions. Engineer Russ Kresge asked about the numbering of the sheets on the Plan, which said sheet 1 of 2, and if there was another sheet that should have been included. Attorney Gaul stated the other sheet may be the enlargement showing the tract that showed the spacing between the houses.

Roger Green Jr then asked if the use of the shared driveway for the first 200ft would be allowed or if a second interior driveway would be required, as previous other plans had been denied for shared driveways. The Planning Commission reviewed the map of the property included in the Plan. After discussion if a second driveway would be a benefit or need to be included on the property from Elmer Drive, Attorney Gaul stated the Board of Supervisors had granted the modification and that one of his initial comments was that there could be no leasing of the other house because that would constitute subdivision of the property, but that he had not thought through implications of a condominium. Attorney Gaul also stated that while he did not contest there had been previous issues in regards to

other developments with multiple lots, that it should not be an issue for this Plan as there would only be one lot/owner.

Lauri Lapping asked if there was a possibility for the property to be subdivided in the future, to which Attorney Gaul stated the subdivision would need to comply with SALDO as Zoning can allow for two principal residences on the same lot along with making sure proper setbacks would be possible to allow for future subdivisions. Attorney Gaul stated it would be beneficial for both homes to be in a position for the property to be able to subdivide in the future should it be desired, but that it would fall more under a Zoning issue instead. Should the Planning Commission wish for more of a review, they could request the Solicitor, Township Engineer or Zoning Officer to further research any requirements.

John Dennis, who was in attendance with the applicant, introduced himself as a former Engineer to make a comment in regards to a discussion that had been had with the Engineer reviewing the Plan to ensure another driveway could be built to the house should the desire to subdivide arise in the future. Attorney Gaul asked if it had been previously discussed with the Planning Commission and Chairman Roger Christman stated it had been, but that it was not included in the Plan.

At this time, Attorney Weismeth stated, in regards to concerns for the future state of the road, that if any other properties on Elmer Drive would subdivide in the future, the creation of a new lot would require the road be brought to Township specifications and the reason it did not apply to this application was a new lot was not being created. Attorney Gaul stated that the current conversation was in regards to a second interior driveway on the property to avoid issues that happened before with two residents sharing a driveway.

Chairman Roger Christman reiterated his concern for the future for the state of Elmer Drive and the potentiality of there being a Building Permit requested for an open lot on Elmer that would not create another lot from subdivision. Mr. Dennis stated while the Planning Commission is doing a great deal to plan for the future, he did not know of a regulation that would lead to the requirement within this Land Development Plan. Chairman Roger Christman stated the Planning Commission is dealing with the future from the small developments created back in the 1930s and 1940s and the desire to avoid further similar confrontations.

Attorney Gaul brought attention back to the topic of discussing the requirement of a second interior driveway. He stated he was unsure if the SALDO would require a second driveway to the second residence, but that it would be more of a Zoning Issue as the SALDO would look more into the size of the driveway, whether it could be utilized by emergency vehicles or if there would be any negative repercussions from Stormwater. He also stated there is a section which states if there are two buildings, they both should meet Zoning requirements as if they were on separate lots and he stated the Planning Commission could make a motion for further review by the Solicitor, Township Engineer or Zoning Officer if a second driveway would be required.

Attorney Gaul stated that Mr. Dennis's comment was that, based on the land amount and topography, if a subdivision were to occur, then a second driveway would not be a hinderance to the subdivision. Lauri Lapping stated it should be in writing that if a second driveway would be needed that there would be space for one to be added. Attorney Gaul stated if a secondary item would be required, there could be a reserved area noted on the Plan with the caveat that it not be disturbed. After a review by the Township Engineer, he did not see an issue with the second driveway not being constructed now if there was a

reasonable reserve for the driveway in the event of subdivision. Having the reserved space would allow for the future potentiality to subdivide the property.

Attorney Gaul asked if the applicant would be willing to reserve a reasonable amount of land reviewed by both the applicant's and Township Engineers for a second driveway. Attorney Weismeth stated they would need time to consult with their Engineer and review. When asked where a second driveway would be added, Attorney Gaul, Attorney Weismeth and the applicant's Engineer Chris McDermott reviewed the map in the Plan to discuss. It was further stated for the need to have Engineer Tighe Meckes review the updated Plan.

Mr. McDermott asked about adding the reserved land as a condition of approval and Attorney Gaul stated they would be unable to give a recommendation that evening as the Stormwater Calculation Analysis needed to be completed. As Mr. McDermott had come into the meeting later on, Attorney Gaul went over the items discussed in regards to the Stormwater Analysis and said it was only delayed until the Board of Supervisors had resolved the decision on the road. When Attorney Weismeth inquired on the timeline of items listed for conditional approval, Attorney Gaul reviewed previous meeting minutes from October 2024 and read the motion that had passed in regards to the delayed submission Stormwater Plan until the Board had made a decision on the Road Access Issue provided that the Stormwater Plan is first submitted to the Planning Commission for review and recommendation. The Board of Supervisors had granted a modification to Section 1004.A.3 which was the only item that had gone to the Board of Supervisors.

When Mr. McDermott asked again about a conditional approval from the Planning Commission, Attorney Gaul stated many items were recently received and he needed more time to review the history, as he was not in a position to formulate conditions of approval or to state the waivers which would need to be reported to the Board of Supervisors, and the Zoning issue still needed to be resolved.

Lauri Lapping made a motion to request a determination from the Zoning Officer if two driveways were required under the Zoning Ordinance for the proposed Land Development. The motion was seconded by Vice Chairman Rick Meixsell and carried unanimously.

Attorney Gaul stated he believed that was all for that evening for the Catherine Andrews Land Development Plan and moved onto the remaining Communication item, being an Engineer comment letter on the Gateway Project which was considered informational only at that time. The letter was from 2022 and was only in response to a Scoping Application.

#### **OLD BUSINESS:**

##### Catherine Andrews – Land Development Plan – Extension 8/4/25

Daniel Saunders and Attorney Weismeth were in attendance along with John Dennis and Engineer Chris McDermott, who came in later. Items for the Catherine Andrews Land Development Plan had been discussed through the review of Communications received and the applicants had left at the conclusion of Communications relating to their Plan.

#### **NEW BUSINESS:**

None

#### **OPEN TO THE PUBLIC:**

None

**PENDING:**

None

Prior to Adjournment, Engineer Russ Kresge suggested that when submissions come in, they should also be sent to the Zoning Officer for an initial review. Chairman Roger Christman asked Secretary Melissa Monaco to make sure a copy of any new submission is also distributed to the Zoning Office.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 8:20pm. The motion to adjourn was made by Herb Stecker, seconded by Laurie Lapping and David Labar, and carried unanimously.

Respectfully Submitted,

Lizzy Stortz  
Temporary Recording Secretary