

APPROVED

**MUNICIPALITY OF MT. LEBANON
PLANNING BOARD MINUTES**

DATE: Tuesday, July 22, 2014

TIME: 7 p.m.

PLACE: Mt. Lebanon Municipality – Commission Chambers

BOARD MEMBERS PRESENT: Rick Sabeh, Bill Pope, Jackie Dunn, Dennis Pittman, Suzanne Sieber

STAFF MEMBERS PRESENT: Municipal Planner Keith McGill, Municipal Engineer Matt Bagaley

Agenda Items

Minutes of the June 24, 2014, Planning Board meeting. Mrs. Sieber moved and Mr. Pope seconded to approve the June 24, 2014, Planning Board minutes. The motion carried unanimously.

Old Business

None

New Business

- a. Request for preliminary approval for a land development plan – St. Clair Hospital is requesting preliminary approval of a land development plan for the construction of a one-story, 7,425-square-foot utility building to house mechanical equipment. The building will be located north of the existing Emergency Department.

Mike Flanagan, COO, St. Clair Hospital, said St. Clair has served the community for more than 60 years. This project, while not a clinical project as many of the previous projects have been, is just as important. He introduced several people involved with the project.

John Schrott, IKM, said St. Clair wants to create a central utility building housing two emergency generators that will eliminate four that are currently on the campus, and house two chillers and cooling towers, that will replace other units already on the campus. This will consolidate everything to the back of the hospital, which will make service to and replacement of the units easier. Access will be from behind the hospital. There will not be any new parking and it is an accessory structure, and therefore will not be bringing in additional traffic. The storm water issues will be addressed by an underground storm water pipe that will be sized to handle the 8,604 square feet of new impervious surface, and will tie into the municipal system, per code. The style of the building will continue with the same two-tone block as with the emergency department building. The cooling towers are on the roof and will be shielded acoustically, and visually, with louvers that will wrap around them. He said they conducted a survey of existing noise levels in the neighborhood; at 450 feet

away from the source the noise level was 55 decibels. This would encompass the homes on Segar. The calculations for the new cooling towers indicate the decibel level will be 47. St. Clair will use the opportunity of the new building to significantly improve the surrounding landscaping. He talked about the various improvements that they are proposing. He said there were three properties on Segar that could be impacted by the new building. Only one of those homes would be visually impacted by the new building.

Ms. Dunn asked if metal louvers were solid.

Tammy Green, IKM, said they are perforated to keep animals out and will be painted to match the block above.

Mr. Pittman stated the existing decibel level will be reduced, but is the existing level to code.

Mr. McGill said there is no code for decibel levels.

Mr. Sabeh asked if access would be from the service drive.

Mr. Shrott said yes, it is easier to connect with the service drive then to grade down 20 feet to get access from the garage.

Mr. Bagaley read into the record a letter from Gateway Engineers dated July 16, 2014.

Ms. Dunn asked if Phase 2 was the demolition of the existing structure.

Mr. Schrott said once the new building is in place there are two generators inside the building that will be decommissioned and a cooling tower on the roof will be taken down. This will actually clean up the site.

Mr. Pope asked how high the retaining walls are.

Ms. Green said the walls will be about nine feet at the highest point. There will be no wall in the front because of the slope of the grade. There will be a fence around the tank to secure it.

Citizen Comments

There were no citizen comments.

Mrs. Sieber moved and Mr. Pittman seconded to recommend final approval of the St. Clair Hospital Central Utility Building land development plan conditioned on the engineer's review comments in a letter dated July 16, 2014, the Commission granting any required modifications to the Mt. Lebanon Code, Chapter XVI, (SALDO) Appendix III Required Plant List, and comments from the planning board. Motion passed unanimously.

- b. Request for a recommendation on an ordinance of Mt. Lebanon, Pennsylvania.

Ordinance (Bill No. 8-14), is an ordinance requiring all Persons, Partnerships, Businesses and Corporations to obtain a permit for any construction or development; providing for issuance of such permits; setting forth certain minimum requirements for new construction and development within areas of the municipality which are subject to flooding; and establishing penalties for any persons who fail, or refuse to comply with, the requirements or provisions of this ordinance.

The ordinance: requires compliance for construction or development, with minor exceptions; disclaims liability; identifies floodplain areas; describes how district boundary changes may occur; sets forth application procedures and requirements; establishes technical standards; sets forth provisions for special permits; requires administration of permits issued; and provides definitions.

While the ordinance is not an amendment to the Zoning or Subdivision and Land Development Ordinance it does impact the development of land within areas of the municipality that are subject to flooding and therefore a recommendation is being requested from the planning board.

Prior to September 26, 2014, communities are required to adopt floodplain management regulations that meet the standards of the NFIP regulations. The ordinance as proposed meets these requirements.

Mr. McGill said the municipality has been working with FEMA over last 2½ years. They are in the process of updating flood insurance rate maps across the country, and have made it to Allegheny County. Mr. Deiseroth and Mr. McGill attended meetings with residents regarding changes to the flood mapping that would affect their properties. Seventy-six properties that were previously identified as in flood plains will remain; 41 properties will now be located in areas considered in flood hazard areas, and 62 properties will be coming out of areas designated as flood hazard areas. The ordinance will replace the existing flood plain ordinance that was adopted in 1985. He read into the record a letter from FEMA dated March 26, 2014. This ordinance is not in the Subdivision and Land Development Ordinance, nor a Zoning Ordinance, but it does affect the ability of property owners to make changes to their property if they are identified as being in a flood hazard area.

Ms. Dunn asked if there were any resident comments that needed to be addressed during the appeal period.

Mr. McGill said appeals to FEMA could not be submitted by residents, but had to come from the municipality, and to be made based on the technical assertions for the flood plain map.

Ms. Dunn asked if the final map gets included into the formal municipal documents.

Mr. McGill said the mapping is a federal document and the municipality will use the mapping panels provided by FEMA. The ordinance provides for setting regulations for construction in flood plain areas.

Citizen Comments

There were no citizen comments.

Ms. Dunn moved and Mr. Pope seconded to recommend approval of the ordinance as proposed. The motion passed unanimously.

- c. Request for a recommendation on an ordinance of Mt. Lebanon, Pennsylvania amending the Zoning Ordinance regarding Fence Design.

The ordinance would permit a Shadowbox Fence up to six (6) feet in height in all districts. A Shadowbox Fence is one where the boards are placed on either side of the fence rail, spaced so they block vision but still allow airflow through the fence.

Mr. McGill said the board has a draft of an ordinance that would amend the current ordinance which allows for shadowbox style fences up to four-foot in height. The amendment would allow for that style of fencing up to six feet in height. He provided the board with examples of what shadowbox style fencing looks like which gives the appearance of a solid fence, but actually allows light and air to go through. He read into the record a memo from Police Chief Coleman McDonough. He also read into the record a statement that he prepared as follows:

7-22-14

Good evening,

I am speaking to you tonight about the municipal zoning ordinance. It is one of if not the most important documents we possess as a municipality. It is in large part responsible for the community that we have today.

Zoning is the regulation of the use of real property by the local government. The MPC, which is the state enabling legislation that allows local governments to create a Zoning Ordinance, also outlines procedures to appeal or amend the Zoning Ordinance.

In order to create viable and livable communities, municipalities should have an updated comprehensive plan, zoning ordinance, and subdivision and land development ordinance. Communities that adopt these planning documents will be better equipped to preserve the character of their municipality while still allowing growth to occur.

*The inspection office frequently receives applications or inquiries from residents who wish to improve their property in a way that is not permitted by the zoning ordinance. Mr. Berkley, Zoning Officer/Chief Inspector is able in a majority of these cases to work with the resident to arrive at a resolution that meets the resident's needs **and** the requirements of the ordinance.*

In those instances where this is not the case he explains the procedure to apply for a variance or in limited instances he will suggest that the resident contact me so that I can explain the procedure to request a text amendment.

As the Planning Board knows, a variance is specific to a property but a text amendment applies to every property that falls within the parameters of the requested text amendment. For this reason text amendments must meet a much higher standard.

I am speaking tonight because I am concerned that if we begin to consider a text amendment to the Zoning Ordinance where we are not following these procedures it sets a potentially detrimental precedent. The next time a resident wants to place an Air Conditioning condensing unit or addition closer than the permitted setback or wants two storage structures instead of one and doesn't want to apply for a variance or make application for a text amendment, can they simply contact a Commissioner or come to a Commission meeting and ask that the Commission direct the Planning Board to consider a text amendment to provide for what they want to do? Does this also apply to a developer? What message does this send to all of the residents who have followed procedure and requested a variance?

Included with a request for a text amendment is supporting documentation and justification outlining the merits of the application. Absent an application whose responsibility is it to provide this documentation to the Planning Board?

In the past text amendments that have been limited to issues that met certain criteria. Repeated applications for new technology not provided for in the ordinance where there are multiple applications to the Zoning Hearing Board, such as digital signs or a new use not specifically provided for such as brewpubs, not because someone couldn't do something they wanted to.

In 2015 the municipality will begin a review of the zoning ordinance and subdivision and land development ordinance to ensure that both work in concert with the comprehensive plan. As part of this process other regulations in the zoning ordinance will be reviewed based on recommendations from the zoning officer, municipal engineer, solicitor and residents as part of what will be a public process. The issue you are being asked to consider tonight by one resident could be added to this list.

Amending a zoning ordinance is not a quick or easy process nor should it be given the importance of the document and the potential ramifications. To do so absent a process is like pulling a loose string on a sweater...at some point all you have left is a ball of string.

Obviously this is an issue about which I am passionate but I would offer that absent a strong zoning ordinance and consistent procedures we run the risk of becoming a vastly different community than we are today and not in a good way.

*Thank you for your consideration in this matter and allowing me to express my concerns.
Respectfully,*

*Keith McGill, AICP
Municipal Planner*

Ms. Dunn asked if the fence in one picture was already permitted. It shows a six foot high fence with the first four feet shadowbox and two feet of fencing above it. And, if permitted is it permitted in all front, rear and side yards.

Mr. McGill said this type of fencing is permitted, but fencing is limited to rear and side yards. No fencing is permitted beyond the front building line.

Mr. Sabeh asked if privacy fences were allowed.

Mr. McGill said privacy fencing is permitted between a residential and a commercial district, but not between two residential districts.

Mr. Pope asked if a resident could apply for a variance instead of a text amendment.

Mr. McGill said a resident can always apply for a variance, but a resident may also apply for a text amendment.

Citizen Comments

Margie Cohen, 468 Greenhurst Drive, read into the record a prepared statement in favor of amending the ordinance. She then stated that a request for a variance would only be for her property. By requesting an amendment to the ordinance this would benefit all property owners in Mt. Lebanon. She feels this would offer an inexpensive solution to managing the deer problem, until a permanent solution could be found, and would not cost the municipality any money since the homeowner would bear the cost.

Mr. Sabeh asked if there would be a difference with a four-foot shadowbox fence with a two-foot lattice top.

Ms. Cohen said it is more expensive to add the lattice top.

Mr. Pope asked if she had a four-foot high fence.

Ms. Cohen stated she has no fence at this time.

Stacy Chick, 177 Sleepy Hollow Road, said she is in favor of increasing the fence height, not just to prevent deer, but it would also protect children and pets.

Lila McNulty, 366 Newburn Drive, is in favor of keeping the ordinance the way it is because it maintains the character of the community.

Mona Raff, 106 Markham Drive, spoke in favor of changing the ordinance.

Mrs. Seiber asked how long the process is for an ordinance to be enacted.

Mr. McGill said time frame is approximately three months.

Mr. Pittman said he feels that changing the fence height would only defer the solution for the deer problem. This needs to be addressed by the elected officials.

Mr. Sabeh said a six foot fence is allowed under the current code. He said there needs to be a limitation to what people can and can't do on their own property in order to maintain the character of the municipality.

Mr. Pittman moved and Ms. Dunn seconded to recommend against the ordinance amendment as proposed. The motion carried unanimously. The planning board chair was asked to send a letter to Mr. McGill to consider this as part of the overall zoning ordinance review in 2015.

Citizen Comments

There were no citizen comments.

Next Meeting - The next regularly scheduled meeting of the Mt. Lebanon Planning Board is **Tuesday, August 26, 2014**, at 7:00 p.m.

Adjournment

The meeting was adjourned at 8:27 p.m.