



**TOWNSHIP OF NORTH FAYETTE
RESOLUTION NO. 88-24**

A RESOLUTION OF THE TOWNSHIP OF NORTH FAYETTE, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, GRANTING FINAL LAND DEVELOPMENT PLAN APPROVAL TO DRY RUN DEVELOPMENT, LLC FOR THE IMPERIAL CROSSING LAND DEVELOPMENT APPLICATION.

WHEREAS, Act 247 of 1986, The Pennsylvania Municipalities Planning Code, empowers the governing body of a municipality to regulate subdivisions and land developments within the Municipality; and

WHEREAS, the Township of North Fayette (the "Township") is desirous of orderly and appropriate land use and development to protect the health, safety, and welfare of Township residents; and

WHEREAS, Dry Run Development, LLC (hereafter referred to as "Applicant") is the owner of the properties located in the Township at the intersection of U.S. Route 30 and East Steuben Street, Oakdale, PA, 15071 in the MU Mixed Use Zoning District and Streetscape Enhancement Overlay District and referred to as Allegheny County Tax Parcel Nos. 799-G-1 and 799-D-10 (the "Property"); and

WHEREAS, the Applicant submitted to the Township an application (File No. 2023-14-SP) seeking final approval of a Major Land Development (site plan) to which the Applicant proposes to construct two retail buildings with associated parking and outdoor improvements (the "Development"); and

WHEREAS, the Applicant submitted to the Township the following materials in support of the application for simple subdivision approval:

1. Final Land Development plans prepared Civil & Environmental Consultants, Inc., dated March 7, 2024 (last revised July 11, 2024)
2. Stormwater Management Plan prepared by Civil & Environmental Consultants, Inc., dated March 14, 2024 (last revised July 15, 2024)

All the materials submitted by Applicant shall be referred to herein as the "Plans"; and

WHEREAS, the Township Engineer, LSSE, Inc., reviewed the Plan and based upon this review, issued review letters dated July 5, 2024 and July 31, 2024 ("Engineer Review Letters"), attached as Exhibit 'A', that provided various comments with regard to the Plan; and

WHEREAS, the Township Department of Community Development also reviewed the Plan and provided review letters dated July 8, 2024, and July 31, 2024 ("Township Review Memorandum"), attached as Exhibit 'B', that also provided comments with regard to the Plan; and

WHEREAS, the Applicant presented the Plan to the Township of North Fayette Planning Commission at its July 11, 2024 and August 1, 2024 public meetings and recommended to the Board of Supervisors that the Plans be approved; and

WHEREAS, Applicant now desires the Board of Supervisors consider its land development and its Plans for *final* approval pursuant to Section 508 of the Municipalities Planning Code.

NOW, THEREFORE, BE IT RESOLVED by the Township of North Fayette Board of Supervisors that the final land development plan at the intersection of U.S. Route 30 and East Steuben Street, Oakdale, PA, 15071 as submitted by Dry Run Development, LLC and prepared by Civil & Environmental Consultants, Inc., dated March 7, 2024 (last revised July 11, 2024) is hereby **APPROVED** subject to Applicant's compliance with the following conditions:

1. Applicant shall comply with the outstanding comments in the Engineer Review Letters and Township Review Memorandum. Compliance with the outstanding comments shall be determined by the Director of Community Development and the Township Engineer.
2. Applicant shall obtain all necessary approvals for sanitary sewerage facilities planning with regard to the Development or, as applicable, obtain and provide to the Township proof of entitlement to a waiver of the requirements for such planning pursuant to applicable law.
3. Applicant shall secure from the Township all necessary sanitary sewer capacity with regard to the Development including, without limitation, payment of the necessary tapping fees for such capacity pursuant to the Township Code of Ordinances.
4. The Development shall be served by public water supply from the Western Allegheny County Municipal Authority (WACMA).
5. Applicant shall comply with all applicable federal, state, and local statutes, codes, ordinances, rules, and regulations and shall obtain approvals, certificates, licenses and permits required with regard to the Development.
6. Applicant shall pay all outstanding fees, including professional review fees, owed to the Township.
7. Applicant shall file an application for a Grading Permit with Township Department of Community Development. No site work may commence until a Grading Permit is issued.
8. Applicant shall record the final Plans in the office of the Allegheny County Department of Real Estate within 90 days of approval or within 90 days after the date of delivery of an approval plat signed by the Board of Supervisors, following completion of conditions imposed for such

approval, whichever is later. Upon recording of the final Plans with Allegheny County, the developer and/or landowner shall deliver to the Township two paper prints of the final plat as recorded. In addition to the two paper prints, the applicant must submit one copy of the final Plans in an electronic format compatible with the Township's geographic information system (GIS).

9. Prior to release of final Plans for recording, Applicant shall execute and deliver to the Township the following documents in form customarily accepted by the Township:
 - a. Stormwater Maintenance Agreement, as prepared by the Township Solicitor;
 - b. Land Development Agreement, as prepared by the Township Solicitor;
 - c. Financial Security Agreement, as prepared by the Township Solicitor, for the proposed improvements in an amount approved by the Township Engineer.
10. Applicant shall install the Streetscape Improvements within the Property ("Streetscape Improvements") as required to be installed under the Plans as approved, and applicable Township Ordinances and Subdivision regulations, including applicable Construction Standards, prior to issuance of any Occupancy Permits. Streetscape Improvements shall be constructed in compliance with said Ordinances and regulations, and consistent with the Plans as approved by the Township.
11. Applicant understands that, as part of the approval for preliminary land development, the following requested modifications have been granted by the Board of Supervisors:
 - a. A modification from 27-305, Table 4, to allow the maximum lot size in the Mu Mixed Use Zoning District to be greater than 87,000 square feet.
 - b. A waiver from 27-306.4.I, to not install a 100-foot buffer for any parcel abutting Route 22/30.
 - c. A modification from 27-503.6.C, to allow some of the parking to be located in front of the proposed buildings.
 - d. A waiver from 27-503.C, to not require all buildings in the Streetscape Enhancement Overlay District to have doorways that face a public street.
 - e. A modification from 27-503.D.1, to allow one of buildings to be less than the 30 feet in height as required in the Streetscape Enhancement Overlay District.
 - f. A waiver from 27-649.4, to allow a food and grocery store to be larger than 20,000 square feet.


- g. A modification from 27-904.1, to allow parking spaces to be 9 feet in width by 18 feet in length.
- h. A waiver from 22-504.1.I, to not dedicate additional right-of-way to provide for a 70-foot right-of-way along East Steuben Street.
- i. A waiver from 27-503.9.A, to not install pedestrian scale lighting along the property frontage on U.S. Route 30.
- j. A waiver from 27-313.2 and 27-503.10.B, to not install street trees along the property frontage on U.S. Route 30.
- k. A waiver from 27-503.11, to not install street walls and fencing along the property frontage on U.S. Route 30.
- l. A waiver from 27-503.13.E, to not install sidewalks along the property frontage on U.S. Route 30 or beyond the entrance of the development on East Steuben Street, subject to the payment of fee in lieu for the installation of said sidewalk.

Further, the Resolution with approvals and conditions as contained herein does not and shall not authorize the construction of improvements or buildings exceeding those shown on the Plans. Furthermore, this Resolution with approvals and conditions as contained herein shall be rescinded automatically upon Applicant's or Applicant's agent's failure to accept, in writing, all conditions herein imposed within thirty (30) days of the approval of the Resolution, such acceptance to be evidenced by Applicant's or Applicant's agent's signature below.

AND NOW, this 27th day of August 2024, upon motion duly made and seconded, the foregoing **RESOLUTION** is hereby adopted.

ATTEST:

**TOWNSHIP OF NORTH FAYETTE
BOARD OF SUPERVISORS**



James Mangan
Township Manager



James Morosetti, Chairman

Dry Run Development, LLC, the Applicant seeking Final Land Development approval of the Imperial Crossing final land development application, pursuant to the Subdivision and Land Development Ordinance, Chapter 22 of the Township Code of Ordinances as amended, acknowledges receipt of the foregoing Resolution of the Board of Supervisors of the Township of North Fayette, adopted August 27, 2024, pertaining to same and accepts all the conditions contained therein.

ATTEST:

Dry Run Development, LLC

By:

Print (Name/Title):

Date:

COMMONWEALTH OF PENNSYLVANIA)
)
COUNTY OF ALLEGHENY)

SS:

On this, the _____ day of _____, 2024, before me, the undersigned officer, personally appeared _____ (Name), _____ (Title), known (or satisfactorily proven) to me to be the person whose name is subscribed to the within instrument, who stated he/she has full authority to execute same on behalf of Dry Run Development, LLC and that he/she executed the same for the purposes therein contained.

Witness my hand and notarial seal this ___ day of _____, 2024. My commission expires the ___ day of _____, 20__.

SEAL

Notary Public

EXHIBIT 'A'



LSSE
Civil Engineers and Surveyors

LSSE: (412) 264-4400
Rabell: (814) 756-4384
Senate: (412) 826-5454
www.lsse.com

LSSE

Rabell

Senate

July 5, 2024

S. O. No. 448-004-327

VIA EMAIL ONLY
(wozniakm@northfayettepa.gov)

Mr. Michael Wozniak, Assistant Director, Community Development
Township of North Fayette
400 North Branch Road
Oakdale, Pennsylvania 15071

**Subject: Imperial Crossing
Final Land Development
Review No. 1**

Dear Mr. Wozniak:

LSSE has completed our review of the above referenced Conditional Use and Preliminary Land Development Application, dated March 8, 2024, last revised June 13, 2024, prepared by Civil & Environmental Consultants, Inc. as received by our office April 17, 2024, via email. The plan proposes the construction of a 20,664 square foot grocery store, 2,500 square foot restaurant space with a drive-through and outdoor dining and a 1,725 square foot retail store space. The property is located along the intersection of E. Steuben Street and SR 30 and is Zoned M-U Mixed Use with Overlay SEO Streetscape Enhancement Overlay.

Previous comments made regarding Conditional Use and Preliminary Land Development, and Subdivision applications can be found in our letters dated April 30, 2024 and April 9, 2024.

The following listing presents unresolved/non-compliant items identified during our review that do not conform to the Township of North Fayette's Zoning Ordinance (Chapter 27), Subdivision and Land Development Ordinance (Chapter 22), Grading, Excavation and Fill Ordinance (Chapter 9) and Stormwater Management Ordinance (Chapter 19):

Zoning

1. The Ordinance requires the landscaping plan included the location and species of all existing trees twenty-four inches DBH and greater (Section 27-307.1.B.6). **Status: Clarify the presence of trees twenty-four inches DBH and greater onsite. If no 24" or greater trees exist on the parcel, notation and certification of same should be included on the plan, as previously commented in preliminary application.**

● Coraopolis, PA (Headquarters)
● Aliquippa, Beaver County, PA
● Greensburg, Westmoreland County, PA
● Dublin, Franklin County, OH

● Albion, Erie County, PA

● Pittsburgh, Allegheny County, PA
● White Oak, Allegheny County, PA
● Kittanning, Armstrong County, PA
● Washington, Washington County, PA

July 5, 2024

Page 2

2. The Ordinance requires not more than 50% of the total area of mature woodlands and not more than 75% of the total area of woodlands on a development site shall be removed in conjunction with a subdivision or land development. The remaining woodlands shall be protected as open space. No area of any existing woodland shall be removed prior to the submission of a tree survey or a tree preservation plan prepared by an arborist, landscape architect, or other licensed professional. The tree survey or tree preservation plan submitted shall be reviewed and approved by the Township prior to any woodlands being removed from a subdivision or land development site (Section 27-308.2). **Status: A tabulation of existing and preserved woodland area has not been shown on the plan. A tabulation of existing and disturbed woodlands must be shown on the plan, as previously commented in preliminary application.**
3. The Ordinance requires all yard setbacks that abut a primary roadway as defined by § 27-312 of this chapter shall provide a landscape screen in conformance with the spacing standards of Bufferyard C. All landscaping within this bufferyard should comply with the following suggested landscape palettes outlined in Table 8 - S.R. 22 and S.R. 30 require Type A landscape palettes (Section 23-312.3.A). **Status: Bufferyard C has not been provided along the complete extents of property boundaries abutting S.R. 30 ramp right of way.**
4. The Ordinance required engineered slopes of 25% or more shall be landscaped with trees, minimum one-inch DBH, planted 20 feet on center (Section 27-313.6). **Status: Slope plantings have not been provided for the complete extents of 25%+ engineered slopes, as previously commented in preliminary application. A tabulation is required and provided engineered slope landscaping, has not been provided. All required plantings must be included in the landscape schedule, as applicable.**
5. The Ordinance requires a continuous internal walkway shall be provided from the public sidewalk along the street along the street to the principal customer entrance of any nonresidential use. This internal walkway must feature landscaping, benches, and other pedestrian amenities for no less than 50% of its length. Internal walkways shall be distinguished from driving surfaces through the use of materials containing contrasting color and textures than the driving surface special pavers, bricks or scored concrete to enhance pedestrian safety and the attractiveness of the walkways. All internal walkways shall be ADA-compliant (Section 27-317.3). **Status: The following comments are provided in reference:**
 - a. **As previously commented in preliminary application, clarify surfacing of path within park area that connects between two ADA ramps in the park area as it is unclear if this is ADA compliant surface.**
 - b. **As previously commented in preliminary application, plans identify a sidewalk along East Steuben Street; however, a concrete hatch is not provided, so limits of sidewalk are unclear. Please revise for consistency.**
 - c. **ADA ramps are not graphically shown at the crossing at the Discount Grocery loading area, and along East Steuben Street.**
6. The Ordinance requires the street level façade of any building facing a public street or access drive shall be transparent between the height of three feet and eight feet above the walkway grade for at least 50% of the horizontal length of the structure (Section 27-503.8.A.1.a). **Status: The following comments are provided in reference:**
 - a. **Based on scaled measurements of elevation drawings, plans indicate 47% transparency along the northern elevation of the Dry Good Retail facing East Steuben Street.**

- b. **Based on scaled measurements of elevation drawings, plans indicate approximately 39% transparency of the Discount Grocery western elevation, facing the internal access drive.**
- c. **Plans indicate no transparency on the eastern elevation of the Dry Good/Coffee building facing Shipland Road, with exception to the drive through approach window.**
- d. **Plans indicate no transparency on the northern elevation of the Discount Grocery building facing East Steuben Street.**

Subdivision and Land Development

1. The Ordinance requires a Completion Bond in the amount of 110% of the cost of the required improvements (Sections 22-208). **Status: An itemized quantity takeoff and unit price cost estimate has not been provided for review. The cost estimate will aid in the determination of the required Completion Bond amount.**
2. The Ordinance requires the Developer execute a Development Agreement. (Section 22-209.) **Status: The Developer must contact the Solicitor to initiate the preparation of the Development Agreement.**
3. The Ordinance requires easements be shown on the plan (Section 302.1.M). **Status: A sanitary sewer easement has not been provided for the existing utility onsite. A 20' easement centered on the sanitary sewer alignment may be shown on the plan, as previously commented in preliminary application. Please revise accordingly.**
4. The Ordinance requires existing streets and rights-of-way on or adjoining the site, including dedicated widths, roadway widths, approximate gradients, types and widths of pavements, curbs, sidewalks and other pertinent data (Section 302.1.P). **Status: The complete extents of the 22/30 limited access right-of-way has not been shown on the plan, as previously commented in preliminary application.**
5. The Ordinance requires the plan provide areas subject to periodic flooding, as identified on the current Flood Insurance Rate Map for the Township issued by the Federal Emergency Management Agency (Section 22-302.T). **Status: Not provided, should no such areas be present on the site, a notation indicating such may be added to the plan.**
6. The Ordinance requires the plan provide proposed public improvements. The size of each should be shown and the location of or distance to each existing utility indicated (Section 22-302.1.Q). **Status: Plans indicate proposed relocation of utility poles. Provide documentation corresponding utility approval for proposed relocation.**
7. The Ordinance requires a Traffic Impact Study be provided (Section 22-312). **Status: As previously commented in preliminary application a traffic impact study has been reviewed under separate cover. The traffic impact study identifies the need for a traffic signal at the intersection of U.S. 30 and East Steuben Street. A final plan for required improvements at the intersection of US 30 and East Steuben Street have not been provided. Plans must include proposed improvements for pedestrian crossing to West Steuben Street as previously discussed.**

July 5, 2024

Page 4

8. The Ordinance requires access to a state highway shall only be authorized by a highway occupancy permit issued by the Pennsylvania Department of Transportation (PennDOT) under § 420 of the State Highway Law (P.L. 1242, No. 428 of June 1, 1945), 36 P.S. § 670-42 (Section 22-315.1.O). **Status: Provide documentation of HOP permit issuance for improvements located within the S.R. 30 and S.R. 22 rights of way.**
9. The Ordinance requires conformity with the design standards specified in Part 5, "Design Standards," and the Township's Construction Standard Details (Section 22-316). **Status: Plans propose widening and overlay of East Steuben Street. Corresponding details have not been provided. Clarification should be provided regarding proposed surface material and depth, consistent with Township roadway construction standards.**
10. The Ordinance requires an Erosion and Sedimentation Control Plan as filed with the Allegheny County Conservation District (Section 22-318). **Status: Documentation that the Erosion and Sedimentation Control Plan has been reviewed and deemed to be adequate by the ACCD, and documentation of NPDES permit issuance has not been provided.**
11. The Ordinance requires that each lot be served by public sanitary sewers approved by the PADEP (Section 22-402). **Status: Documentation of an approved Sewage Facilities Planning Module has not been provided.**

Grading

1. The Ordinance prohibits work on any grading, excavation or fill without first having obtained a grading permit from the Township (Section 9-103.1). **Previous Comment: A Grading Permit Application should be filed with the Township prior to commencement of work. Pending.**
2. The Ordinance requires when a retaining wall is provided or other approved support is provided to shore up the face of the excavation, depending on the location and good safety practice, a guard rail or fence may be required at the top of an excavation cut. A design sealed by a professional engineer must be provided for the retaining wall, including a stability analysis and global stability analysis (Section 9-103.H.1.b). **Status: Complete retaining wall designs and details must be provided; the designs must be prepared by a professional engineer and be in accordance with the recommendations of the geotechnical report of record.**
3. The Ordinance requires when a retaining wall is provided or other approved support is provided to shore up the face of the excavation, depending on the location and good safety practice, a guard rail or fence may be required at the top of an excavation cut. A design sealed by a professional engineer must be provided for the retaining wall, including a stability analysis and global stability analysis (Section 9-103.H.1.b). **Status: Plans propose a storm sewer to be installed below a retaining wall; provide narrative of how the storm sewer is to be protected and impacts of the retaining wall to the storm sewer.**

The Ordinance requires top and bottom edges of all graded slopes shall be at least three feet from adjoining property lines and rights of way in order to permit natural rounding of the slope edges without encroachment on abutting property (Section 9-103.K.2). **Status: Plans indicate grading encroachment**

into the required 3' setback along the southern S.R. 30 ramp property line.

Stormwater Management

1. The Ordinance requires All connections to existing storm sewer pipes shall be made by construction of a suitable junction box (inlet or manhole). The Ordinance requires the discharge of stormwater runoff be to a well-defined drainagecourse (Section 502.8 and Section 502.7). **Status: Plans indicate the BMP outlet pipe is to daylight and discharge directly to an existing concrete headwall adjacent the off-ramp. Documentation of PennDOT approval for proposed outfall should be provided.**
2. The Ordinance requires areas covered by a release rate map from an approved Act 167 stormwater management plan: For the one-, two-, five-, ten-, twenty-five-, fifty-, and one-hundred-year, twenty-four-hour storm events, the post-development peak discharge rates will follow the applicable approved release rate maps (Section 304.2). **Status: Drainage area and map indicate POI-1 having release rates of 100%. Release rates should be reflective of the Allegheny County Act 167 Plan; based on the maps in the ordinance, it appears the release rate is 90%. Please revise accordingly.**
3. The Ordinance requires the hydrologic parameters used to develop peak flow rates shall be reflective of anticipated soil runoff characteristics following grading and development of the site (Section 501.5). **Status: W-1 and W-2 post development impervious and grass coverage acreages vary between respective hydrograph inputs and values utilized on drainage maps. Please revise for consistency.**
4. The Ordinance requires documentation shall be provided that there will be no detrimental impact in downstream areas (Section 501.9). **Status: PCSM calculations include rip rap calculations, however plans do not indicate a proposed apron. Please clarify this discrepancy.**
5. The Ordinance requires all stormwater collection and conveyance facilities (pipes, swales, and structures) shall be designed for a one-hundred-year design storm event, unless the runoff would naturally drain overland to a stormwater detention facility, in which case a twenty-five-year design storm event may be used. The hydraulic gradeline must be a minimum of two feet below the surface elevation within the pipe. Swales and channels shall provide at least one foot of freeboard above the energy gradeline (Section 502.1). **Status: Channel design worksheet notes minimum required freeboard requirement of 0.5 feet and utilize 2- and 10- year design storm conditions.**
6. The Ordinance requires all retention/detention facilities shall be equipped with multistage outlet structures to provide discharge control for each designated storm frequency (Section 503.1). **Status: Outlet structure detail indicates 24" outlet pipe, while plans and hydrographs indicate 18" dimension for the same. Please revise for consistency.**
7. The Ordinance requires a Stormwater Maintenance Agreement be signed and recorded (Section 602). **Status: The maintenance program does not include provisions for swale maintenance. Please revise accordingly. Applicant should contact the Township Solicitor regarding the agreement.**
8. The Ordinance requires payment to the Stormwater Facility Maintenance Fund for privately owned and maintained facilities (Sections 604). **Status: The amount of the Fund contribution will be determined upon approval of the plan.**

9. The Ordinance requires provision of a copy a recorded Post Construction Stormwater Management Plan record drawing (Sections 805). **Status: The applicant should note the requirement to provide a PCSM record drawing prior to final bond release.**

Granted Modifications

The following items have been granted as modifications as part of the Tentative Approval, the following modifications should be noted on the plans:

1. The applicant was granted a waiver from Section 27-305.Table 4 to allow a lot size of 151,230 square feet.
2. The applicant was granted a waiver from Section 27-306.4.I to not provide the 100-foot buffer.
3. The applicant was granted a waiver from Section 27-503.6.C to provide parking in front of both buildings.
4. The applicant was granted a waiver from Section 27-503.C to not have the entrance along the front or side of the building that faces the public street.
5. The applicant has been granted a waiver from Section 27-503.D.a to allow for a building height of 42 feet.
6. The applicant was granted a waiver from Section 27-503.9A to not install pedestrian lights along Shipland Road
7. The applicant was granted a waiver from Section 27-313.2 and 27-503.10B and D to not install street trees along Shipland Road.
8. The applicant was granted a waiver from Section 27-503.11 to not install street walls/fencing along Shipland Road.
9. The applicant was granted a waiver from Section 27-503.12.A to not install a pedestrian pocket at the intersection of East Steuben and Shipland Road.
10. The applicant was granted a waiver from Section 27-503.13.E to not install sidewalks along Shipland Road, and solely install sidewalk on East Steuben Street up to the Imperial Crossing entrance.
11. The applicant has been granted waiver from Section 27-649.4 to have a store of 20,664 square feet.
12. The applicant was granted a waiver from Section 27-904.1 for proposed installation of stalls sized 9'x18'.
13. The applicant was granted a waiver to not install lighting along S.R. 30.
14. The applicant was granted waiver from Section 22-504.1.I to not dedicate additional right-of-way.

Mr. Michael Wozniak, Community Planner
Township of North Fayette
July 5, 2024
Page 7

The plans have been reviewed for conformance to the Township Ordinance standards only. The review is based on surveys and drawings prepared by others and assume this information is correct and valid as submitted. Independent confirmation of adequacy or applicability of surveys, design data or procedures has not been provided.

The plan, as submitted, does not conform to the Township of North Fayette's Zoning Ordinance (Chapter 27), Subdivision and Land Development Ordinance (Chapter 22) Grading, Excavation and Fill Ordinance (Chapter 9) and Stormwater Management Ordinance (Chapter 19) for Final Land Development Plan application. Additional comments may be made, and we reserve the right to comment further pending submission of revised plans. The applicant should note that a complete, Final Land Development Application must be submitted and meet the requirements associated with the Final Land Development at the time of application.

The Applicant must provide a detailed written response to each item noted in this letter along with the plan re-submittal.

Should you have any questions, please contact Shawn R. Wingrove, P.E. directly (Ext. 228).

Sincerely,



Kevin A. Brett, P.E.



Shawn R. Wingrove, P.E.

KAB/SRW:nwg

cc: James R. Mangan, Township Manager (manganj@northfayettepa.gov)
Debbie Midgley, Planning Technician (midgleyd@northfayettepa.gov)
Bob Derosky, Coordinator, Engineering Services (deroskyb@northfayettepa.gov)
Andrew H. Hartwell, AICP, Assistant Township Manager (hartwella@northfayettepa.gov)
Thomas McDermott, Township Solicitor (tmcdermott@gtnlaw.com)
John Frydrych, Civil and Environmental Consultants, Inc. (jfrydrych@cecinc.com)
Mark Koontz, P.E., Dry Run Development, LLC. (mkoontz@horizonprop.net)



LSSE: (412) 264-4400
Rabell: (814) 756-4384
Senate: (412) 826-5454
www.lsse.com

LSSE

Rabell

Senate

July 31, 2024

S. O. No. 448-004-327

VIA EMAIL ONLY
(wozniakm@northfayettepa.gov)

Mr. Michael Wozniak, Assistant Director, Community Development
Township of North Fayette
400 North Branch Road
Oakdale, Pennsylvania 15071

**Subject: Imperial Crossing
Final Land Development
Review No. 2**

Dear Mr. Wozniak:

LSSE has completed our review of the above referenced Conditional Use and Preliminary Land Development Application, dated March 7, 2024, last revised July 11, 2024, prepared by Civil & Environmental Consultants, Inc. as received by our office July 23, 2024, via email. The plan proposes the construction of a 20,664 square foot grocery store, 2,500 square foot restaurant space with a drive-through and outdoor dining and a 1,725 square foot retail store space. The property is located along the intersection of E. Steuben Street and SR 30 and is Zoned M-U Mixed Use with Overlay SEO Streetscape Enhancement Overlay.

Previous comments made regarding Final Land Development application can be found in our letter dated July 5, 2024. The current submission includes response for Final Land Development only.

Comments made regarding Final Subdivision application can be found under separate cover via letter dated June 28, 2024.

Previous comments made regarding Conditional Use and Preliminary Land Development, and Subdivision applications can be found in our letters dated April 30, 2024 and April 9, 2024.

The following listing presents unresolved/non-compliant items identified during our review that do not conform to the Township of North Fayette's Zoning Ordinance (Chapter 27), Subdivision and Land Development Ordinance (Chapter 22), Grading, Excavation and Fill Ordinance (Chapter 9) and Stormwater Management Ordinance (Chapter 19):

-
- Coraopolis, PA (Headquarters)
 - Aliquippa, Beaver County, PA
 - Greensburg, Westmoreland County, PA
 - Dublin, Franklin County, OH
 - Albion, Erie County, PA
 - Pittsburgh, Allegheny County, PA
 - White Oak, Allegheny County, PA
 - Kittanning, Armstrong County, PA
 - Washington, Washington County, PA

Zoning

1. The Ordinance requires the landscaping plan included the location and species of all existing trees twenty-four inches DBH and greater (Section 27-307.1.B.6). **Previous Comment:** *Clarify the presence of trees twenty-four inches DBH and greater onsite. If no 24" or greater trees exist on the parcel, notation and certification of same should be included on the plan, as previously commented in preliminary application.* **Status:** **The response notes that no trees are present onsite 24" DBH or greater. Notation and certification of the same has not been provided on the plan, as previously requested.**
2. The Ordinance requires not more than 50% of the total area of mature woodlands and not more than 75% of the total area of woodlands on a development site shall be removed in conjunction with a subdivision or land development. The remaining woodlands shall be protected as open space. No area of any existing woodland shall be removed prior to the submission of a tree survey or a tree preservation plan prepared by an arborist, landscape architect, or other licensed professional. The tree survey or tree preservation plan submitted shall be reviewed and approved by the Township prior to any woodlands being removed from a subdivision or land development site (Section 27-308.2). **Previous Comment:** *A tabulation of existing and preserved woodland area has not been shown on the plan. A tabulation of existing and disturbed woodlands must be shown on the plan, as previously commented in preliminary application.* **Status:** **The response notes that no mature woodlands exist onsite, and that no existing woodlands are present. The vicinity map on the cover sheet depicts a wooded area, and stormwater calculations consider approximately 8.5 acres of the site to be woods in the pre-development condition.**
3. The Ordinance requires a continuous internal walkway shall be provided from the public sidewalk along the street along the street to the principal customer entrance of any nonresidential use. This internal walkway must feature landscaping, benches, and other pedestrian amenities for no less than 50% of its length. Internal walkways shall be distinguished from driving surfaces through the use of materials containing contrasting color and textures than the driving surface special pavers, bricks or scored concrete to enhance pedestrian safety and the attractiveness of the walkways. All internal walkways shall be ADA-compliant (Section 27-317.3). **Previous Comment:** *The following comments are provided in reference:*
 - a. **Previous Comment:** *ADA ramps are not graphically shown at the crossing at the Discount Grocery loading area, and along East Steuben Street.* **Status:** **ADA ramps have not been provided at the driveway crossing. All ADA Ramp locations should be identified by leader where proposed.**
 - b. **It is unclear whether an ADA ramp is proposed adjacent the Shipland Road (S.R. 30) East Steuben Street intersection. Please revise accordingly. Similarly, Wooster HOP plans indicate proposed alterations to the traffic islands within the Shipland Road right of way. Improvements to establish pedestrian connection across SR. 30 connecting East and West Steuben Street have not been included, as were previously discussed.**

Subdivision and Land Development

1. The Ordinance requires a Completion Bond in the amount of 110% of the cost of the required improvements (Sections 22-208). **Previous Comment:** *An itemized quantity takeoff and unit price cost estimate has not been provided for review. The cost estimate will aid in the determination of the required Completion Bond amount.* **Status:** **No change, an itemized quantity takeoff and unit price cost estimate has not been provided.**

July 31, 2024

Page 3

2. The Ordinance requires the Developer execute a Development Agreement. (Section 22-209.) **Previous Comment:** *The Developer must contact the Solicitor to initiate the preparation of the Development Agreement. Status: Pending.*
3. The Ordinance requires existing streets and rights-of-way on or adjoining the site, including dedicated widths, roadway widths, approximate gradients, types and widths of pavements, curbs, sidewalks and other pertinent data (Section 302.1.P). **Previous Comment:** *The complete extents of the 22/30 limited access right-of-way has not been shown on the plan, as previously commented in preliminary application. Status: The response notes that no work is planned within the S.R. 22/30 right-of-way however the storm sewer from Manhole to its discharge point is shown within the right-of-way for the 22/30 exit ramp. The extents of the 22/30 limited access right-of-way must be provided on the plans, as previously requested.*
4. The Ordinance requires the plan provide proposed public improvements. The size of each should be shown and the location of or distance to each existing utility indicated (Section 22-302.1.Q). **Previous Comment:** *Plans indicate proposed relocation of utility poles. Provide documentation corresponding utility approval for proposed relocation. Status: The response notes that discussions with First Energy are ongoing for proposed relocations. Pending documentation of utility approval for proposed relocations.*
5. The Ordinance requires a Traffic Impact Study be provided (Section 22-312). **Previous Comment:** *As previously commented in preliminary application a traffic impact study has been reviewed under separate cover. The traffic impact study identifies the need for a traffic signal at the intersection of U.S. 30 and East Steuben Street. A final plan for required improvements at the intersection of US 30 and East Steuben Street have not been provided. Plans must include proposed improvements for pedestrian crossing to West Steuben Street as previously discussed. Status: The current submission does not include corresponding pedestrian crossing improvements, and all associated improvements for the associated intersection and signal.*
6. The Ordinance requires access to a state highway shall only be authorized by a highway occupancy permit issued by the Pennsylvania Department of Transportation (PennDOT) under § 420 of the State Highway Law (P.L. 1242, No. 428 of June 1, 1945), 36 P.S. § 670-42 (Section 22-315.1.O). **Previous Comments:** *Provide documentation of HOP permit issuance for improvements located within the S.R. 30 and S.R. 22 rights of way. Status: Pending.*
7. The Ordinance requires an Erosion and Sedimentation Control Plan as filed with the Allegheny County Conservation District (Section 22-318). **Previous Comment:** *Documentation that the Erosion and Sedimentation Control Plan has been reviewed and deemed to be adequate by the ACCD, and documentation of NPDES permit issuance has not been provided. Status: Pending.*

Grading

The Ordinance prohibits work on any grading, excavation or fill without first having obtained a grading permit from the Township (Section 9-103.1). **Previous Comment:** *A Grading Permit Application should be filed with the Township prior to commencement of work. Status: Pending.*

2. The Ordinance requires when a retaining wall is provided or other approved support is provided to shore up the face of the excavation, depending on the location and good safety practice, a guard rail or fence may be required at the top of an excavation cut. A design sealed by a professional engineer must be provided for the retaining wall, including a stability analysis and global stability analysis (Section 9-103.H.1.b). **Previous Comment:** *Complete retaining wall designs and details must be provided; the designs must be prepared by a professional engineer and be in accordance with the recommendations of the geotechnical report of record.* **Status:** Pending submission with the grading permit.

Stormwater Management

1. The Ordinance requires All connections to existing storm sewer pipes shall be made by construction of a suitable junction box (inlet or manhole). The Ordinance requires the discharge of stormwater runoff be to a well-defined drainage course (Section 502.8 and Section 502.7). **Previous Comment:** *Plans indicate the BMP outlet pipe is to daylight and discharge directly to an existing concrete headwall adjacent the off-ramp. Documentation of PennDOT approval for proposed outfall should be provided.* **Status:** Pending.
2. The Ordinance requires areas covered by a release rate map from an approved Act 167 stormwater management plan: For the one-, two-, five-, ten-, twenty-five-, fifty-, and one-hundred-year, twenty-four-hour storm events, the post-development peak discharge rates will follow the applicable approved release rate maps (Section 304.2). **Previous Comment:** *Drainage area and map indicate POI-1 having release rates of 100%. Release rates should be reflective of the Allegheny County Act 167 Plan; based on the maps in the ordinance, it appears the release rate is 90%. Please revise accordingly.* **Status:** No change. **Narrative and PCSM maps indicate 100% release rate for POI-1. As the site is in the 90% release rate area, the release rate must be utilized. The response notes that the rate has not been applied due to the small project area to the POI. While the reduced release rate may be omitted to undisturbed off-site areas tributary to the POI or areas consisting solely of maintenance activities (mill and pave), the release rate must be applied to disturbed on-site areas.**
3. The Ordinance requires the hydrologic parameters used to develop peak flow rates shall be reflective of anticipated soil runoff characteristics following grading and development of the site (Section 501.5). **Previous Comment:** *W-1 and W-2 post development impervious and grass coverage acreages vary between respective hydrograph inputs and values utilized on drainage maps. Please revise for consistency.* **Status:** Post development drainage areas map do not include the impervious land coverage for the proposed concrete in the park area; please revise the map and calculations accordingly.
4. The Ordinance requires all stormwater collection and conveyance facilities (pipes, swales, and structures) shall be designed for a one-hundred-year design storm event, unless the runoff would naturally drain overland to a stormwater detention facility, in which case a twenty-five-year design storm event may be used. The hydraulic gradeline must be a minimum of two feet below the surface elevation within the pipe. Swales and channels shall provide at least one foot of freeboard above the energy gradeline (Section 502.1). **Previous Comment:** *Channel design worksheet notes minimum required freeboard requirement of 0.5 feet and utilize 2- and 10- year design storm conditions.* **Status:** Channel design worksheet notes minimum required freeboard of 0.5 feet.

July 31, 2024

Page 5

5. The Ordinance requires a Stormwater Maintenance Agreement be signed and recorded (Section 602). **Previous Comment:** *The maintenance program does not include provisions for swale maintenance. Please revise accordingly. Applicant should contact the Township Solicitor regarding the agreement.* **Status: Pending.**
6. The Ordinance requires payment to the Stormwater Facility Maintenance Fund for privately owned and maintained facilities (Sections 604). **Previous Comment:** *The amount of the Fund contribution will be determined upon approval of the plan.* **Status: Pending.**

Granted Modifications

The following items have been granted as modifications as part of the Tentative Approval, the following modifications should be noted on the plans:

1. The applicant was granted a waiver from Section 27-305. Table 4 to allow a lot size of 151,230 square feet.
2. The applicant was granted a waiver from Section 27-306.4.I to not provide the 100-foot buffer.
3. The applicant was granted a waiver from Section 27-503.6.C to provide parking in front of both buildings.
4. The applicant was granted a waiver from Section 27-503.C to not have the entrance along the front or side of the building that faces the public street.
5. The applicant has been granted a waiver from Section 27-503.D.a to allow for a building height of 42 feet.
6. The applicant was granted a waiver from Section 27-503.9A to not install pedestrian lights along Shipland Road.
7. The applicant was granted a waiver from Section 27-313.2 and 27-503.10B and D to not install street trees along Shipland Road.
8. The applicant was granted a waiver from Section 27-503.11 to not install street walls/fencing along Shipland Road.
9. The applicant was granted a waiver from Section 27-503.12.A to not install a pedestrian pocket at the intersection of East Steuben and Shipland Road.
10. The applicant was granted a waiver from Section 27-503.13.E to not install sidewalks along Shipland Road, and solely install sidewalk on East Steuben Street up to the Imperial Crossing entrance.
11. The applicant has been granted waiver from Section 27-649.4 to have a store of 20,664 square feet.
12. The applicant was granted a waiver from Section 27-904.1 for proposed installation of stalls sized 9'x18'.
13. The applicant was granted a waiver to not install lighting along S.R. 30.

Mr. Michael Wozniak, Assistant Director, Community Development
Township of North Fayette
July 31, 2024
Page 6

14. The applicant was granted waiver from Section 22-504.1.I to not dedicate additional right-of-way.

The plans have been reviewed for conformance to the Township Ordinance standards only. The review is based on surveys and drawings prepared by others and assume this information is correct and valid as submitted. Independent confirmation of adequacy or applicability of surveys, design data or procedures has not been provided.

The plan, as submitted, will conform to the Township of North Fayette's Zoning Ordinance (Chapter 27), Subdivision and Land Development Ordinance (Chapter 22) Grading, Excavation and Fill Ordinance (Chapter 9) and Stormwater Management Ordinance (Chapter 19) for Final Land Development Plan application, with resolution of the above noted items. Additional comments may be made, and we reserve the right to comment further pending submission of revised plans. The applicant should note that a complete, Final Land Development Application must be submitted and meet the requirements associated with the Final Land Development at the time of application.

The Applicant must provide a detailed written response to each item noted in this letter along with the plan re-submittal.

Should you have any questions, please contact Shawn R. Wingrove, P.E. directly (Ext. 228).

Sincerely,



Kevin A. Brett, P.E.



Shawn R. Wingrove, P.E.

KAB/SRW:als

cc: James R. Mangan, Township Manager (manganj@northfayettepa.gov)
Debbie Midgley, Planning Technician (midgleyd@northfayettepa.gov)
Bob Derosky, Coordinator, Engineering Services (deroskyb@northfayettepa.gov)
Andrew H. Hartwell, AICP, Assistant Township Manager (hartwella@northfayettepa.gov)
Thomas McDermott, Township Solicitor (tmcdermott@gtnlaw.com)
John Frydrych, Civil and Environmental Consultants, Inc. (jfrydrych@cecinc.com)
Mark Koontz, P.E., Dry Run Development, LLC. (mkoontz@horizonprop.net)

EXHIBIT 'B'



Memorandum

To: Planning Commission Members

Cc: Mark Koontz, P.E., Horizon Properties, Applicant (via email)
John Frydrych, M.S., P.E., CDP, Civil & Environmental Consultants, Inc. (via email)

Board of Supervisors (via email)
Tom McDermott, Esq., Township Solicitor (via email)
Shawn Wingrove, P.E., Township Engineer (via email)
Andrew Hartwell, AICP, Assistant Township Manager (via email)
Debbie Midgley, Planning Technician (via email)

From: Michael Wozniak
Assistant Director, Community Development

Date: July 8, 2024

Re: Application 2024-14-SP – Imperial Crossing Final Land Development
Township Review Comments No. 1

I have reviewed the above referenced application, and my comments are as follows:

1. Application Summary:

An application for final approval of a land development (major land development) on 3.472 acres of land located at the intersection of East Steuben Street and U.S. Route 30, in the MU Mixed Use Zoning District and Streetscape Enhancement Overlay District (Allegheny County Parcel ID Nos. 799-G-1 & 799-D-10).

2. Waivers/Modifications:

A. No Waivers or Modifications have been requested as a part of this application.

3. Variances:

A. No variances have been granted or are currently under consideration for the site by the Zoning Hearing Board.

**Application 2024-14-SP – Imperial Crossing Final Land Development
Township Review Comments No. 1
July 8, 2024**

4. Township Engineer Review:

- A. Please refer to comments from the Township Engineer, per the LSSE review letter dated July 5, 2024. A copy of the letter is enclosed.

5. Community Development Review:

- A. Per 27-503.13(2), crosswalks shall be constructed of stamped or scored reinforced concrete as found in PennDOT Publication 111, Traffic Control - Pavement Markings and Signing Standards, TC-8600, Sheet 6 of 13 - Type E "Herringbone" (with approved nonreflective maroon color mixed into the concrete). Crosswalks shall be striped with a six-inch-wide painted white stripe on both sides. Plans should be revised to include the Township Standard crosswalks. Plans should be revised accordingly.

6. Township Solicitor Review:

- A. Please refer to any comments from the Township Solicitor.

7. County Planning Agency Review:

- A. The Planning Division of the Allegheny County Department of Economic Development (ACED) received a copy of the application and plans. As of this date, no comments have been received from ACED.

Due to the significance of the items missing or in need of correction as outlined by the Township and the Township Engineer, it is my recommendation that the Planning Commission table this application. This will allow for items identified in this memorandum dated July 8, 2024, and LSSE's review letter dated July 5, 2024, to be addressed prior to the next meeting scheduled for August 1, 2024.

Please let me know if you have any questions or concerns.

MW

Enclosures (1)



Memorandum

To: Planning Commission Members

Cc: Mark Koontz, P.E., Horizon Properties, Applicant (via email)
John Frydrych, M.S., P.E., CDP, Civil & Environmental Consultants, Inc. (via email)

Board of Supervisors (via email)
Tom McDermott, Esq., Township Solicitor (via email)
Shawn Wingrove, P.E., Township Engineer (via email)
Andrew Hartwell, AICP, Assistant Township Manager (via email)
Debbie Midgley, Planning Technician (via email)

From: Michael Wozniak
Assistant Director, Community Development

Date: July 31, 2024

Re: Application 2024-14-SP – Imperial Crossing Final Land Development
Township Review Comments No. 2

I have reviewed the above referenced application, and my comments are as follows:

1. Application Summary:

An application for final approval of a land development (major land development) on 3.472 acres of land located at the intersection of East Steuben Street and U.S. Route 30, in the MU Mixed Use Zoning District and Streetscape Enhancement Overlay District (Allegheny County Parcel ID Nos. 799-G-1 & 799-D-10).

2. Waivers/Modifications:

- i. No Waivers or Modifications have been requested as a part of this application.
- ii. The following Waivers and Modifications were granted as part of the preliminary application.

Application 2024-14-SP – Imperial Crossing Final Land Development
Township Review Comments No. 2
July 31, 2024

- i. The applicant was granted a waiver from Section 27-305.Table 4 to allow a lot size of 151,230 square feet.
- ii. The applicant was granted a waiver from Section 27-306.4.I to not provide the 100-foot buffer.
- iii. The applicant was granted a waiver from Section 27-503.6.C to provide parking in front of both buildings.
- iv. The applicant was granted a waiver from Section 27-503.C to not have the entrance along the front or side of the building that faces the public street.
- v. The applicant has been granted a waiver from Section 27-503.D.a to allow for a building height of 42 feet.
- vi. The applicant was granted a waiver from Section 27-503.9A to not install pedestrian lights along Shipland Road.
- vii. The applicant was granted a waiver from Section 27-313.2 and 27-503.10B and D to not install street trees along Shipland Road.
- viii. The applicant was granted a waiver from Section 27-503.11 to not install street walls/fencing along Shipland Road.
- ix. The applicant was granted a waiver from Section 27-503.12.A to not install a pedestrian pocket at the intersection of East Steuben and Shipland Road.
- x. The applicant was granted a waiver from Section 27-503.13.E to not install sidewalks along Shipland Road, and solely install sidewalk on East Steuben Street up to the Imperial Crossing entrance.
- xi. The applicant has been granted waiver from Section 27-649.4 to have a store of 20,664 square feet.
- xii. The applicant was granted a waiver from Section 27-904.1 for proposed installation of stalls sized 9'x18'.
- xiii. The applicant was granted a waiver to not install lighting along S.R. 30.

3. Variances:

- A. No variances have been granted or are currently under consideration for the site by the Zoning Hearing Board.

**Application 2024-14-SP – Imperial Crossing Final Land Development
Township Review Comments No. 2
July 31, 2024**

4. Township Engineer Review:

- A. Please refer to comments from the Township Engineer, per the LSSE review letter dated July 5, 2024 and July 31, 2024. Copies of the letters are enclosed.

5. Community Development Review:

- A. There are no Community Development comments at this time.

6. Township Solicitor Review:

- A. Please refer to any comments from the Township Solicitor.

7. County Planning Agency Review:

- A. The Planning Division of the Allegheny County Department of Economic Development (ACED) received a copy of the application and plans. As of this date, no comments have been received from ACED.

At this time, the application is complete, pending the resolution of items outlined by the Township Engineer. It is my recommendation that the Planning Commission recommend approval of the Imperial Crossing Plans to the Board of Supervisors, contingent upon all items being addressed in this memorandum dated July 31, 2024, and LSSE's review letters dated July 5, 2024, and July 31, 2024.

Please let me know if you have any questions or concerns.

MW

Enclosures (2)