

ROSS TOWNSHIP PLANNING COMMISSION
MONTHLY MEETING
April 15, 2025

The Ross Township Planning Commission meeting scheduled for April 15, 2025, was called to order by Chairman Roger Christman, at 6:59pm. 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 and Alternate Township Engineer Tighe Meckes, from Keystone Consulting Engineers.

REORGANIZATION:

By the consensus of Planning Commission Members, Solicitor Gaul acted as temporary Chairman for the purpose of the Planning Commission Officer elections.

Chairman - Herb Stecker nominated Roger Christman for Chairman, which was seconded by Frank Piraino Jr. There were no other nominations. The Planning Commission member voted unanimously to elect Roger Christman as Chairman.

Vice-Chairman – Herb Stecker nominated Rick Meixsell for Vice Chairman, which was seconded by Roger Christman. There were no other nominations. The Planning Commission member voted unanimously to elect Rick Meixsell as Vice Chairman.

Secretary – Roger Christman nominated Lauri Lapping for Secretary. There were no other nominations. The Planning Commission member voted unanimously to elect Lauri Lapping as Secretary.

Date-Time-Place – A motion was made by Roger Christman, seconded by Frank Piraino Jr, to hold Planning Commission Meetings on the third Tuesday of each month at 7:00pm at the Township Building with the exception of May which will be held on May 13, 2025 due to voting on May 20, 2025. The motion carried unanimously.

With the conclusion of the Reorganization, Attorney Gaul turned the meeting back over to Chairman Roger Christman to continue with the regular Planning Commission Meeting.

APPROVAL OF MINUTES:

A motion to approve the minutes of the December 17, 2024 meeting as written was made by Roger Green Jr and seconded by Herb Stecker. The motion carried unanimously.

COMMUNICATIONS:

None

OLD BUSINESS:

Catherine Andrews – Land Development Plan – 5/5/2025

Attorney Joe Weismeth and Daniel Saunders were present for the meeting.

Attorney Gaul started with sharing about the letter the Planning Commission had received from the Board of Supervisors in regards to actions taken on the applicant's Modification Request of items under

Section 1004.A.3. This letter stated the Board of Supervisors granted conditional approval of the Modification Request along with an extension through August 5, 2025 though there was no signed written documentation for the extension.

After discussing the letter, Attorney Gaul asked Attorney Weismeth and Mr. Saunders if they had any further items to discuss for the meeting that evening with the Planning Commission. Attorney Weismeth reviewed items listed in the last letter they had received from Engineer Tighe Meckes dated September 16, 2024 in reference to the SALDO.

1. Applicant has indicated that the statement will be executed prior to Plan recommendation to which Attorney Weismeth stated they were in agreement with.
2. In regards to Certification of Accuracy, Applicant has indicated the statement will be executed and Plan Sheets signed prior to recommendation.
3. Item three was in reference to the road which Attorney Weismeth stated the Board of Supervisors had made their decision on for the Modification Request.
4. Dedication of Common Open Space -Attorney Weismeth stated this item would be left up to a decision by the Board of Supervisors which had yet to be determined as they were at the Board of Supervisors on the limited basis of discussing the modification request for the road. They are willing to continue discussion with the Board of Supervisors.

He further stated the other remaining outstanding item they still had to address was in regards to comments on Stormwater Management Ordinance. Attorney Weismeth then read an email from the applicant's engineer about the stormwater management plans. The email stated that the Land Development Plan had been tabled prior to the modification granted by the Board of Supervisors, and the Planning Commission had approved delayed submission of the Drainage and ENS Plans until the property owner was approved for a Building Permit. Updated calculations will need to be provided for the Township Engineer to review, which they are willing to submit for conditional approval. Attorney Weismeth then asked for a recommendation of conditional approval based off of their compliance with all items listed in the letter from Engineer Tighe Meckes from September 2024.

Attorney Gaul stated the Planning Commission had only received the letter from the Board of Supervisors that day and had not had time to review the file. Attorney Weismeth then asked Engineer Tighe Meckes if he had any other items to be reviewed prior to recommending a conditional approval to which Engineer Tighe Meckes stated he would prefer to see the improvements of the road updated on the Plan with the routings. Attorney Weismeth stated, with the Board of Supervisors decision, they would be happy to include all updates for the final plan.

Attorney Gaul explained that with the limited time to review, he was not prepared to offer counsel to the Planning Commission on the Plan. Chairman Roger Christman shared he would like to review the full plan.

Attorney Weismeth then asked for a recommendation of denial of the proposed Plan, so that they would be able to go back before the Board of Supervisors, as he believed the Planning Commission to be attempting to delay them further even though they had agreed to meet all of the conditions set for them.

Attorney Gaul reiterated the Planning Commission had only received the letter from the Board of Supervisors that day and it was a false implication the Planning Commission desired to further delay the Plan. The Planning Commission was just trying to do its job. There was only one issue presented before the Board of Supervisors and there needs to be more time given to further review those remaining.

Chairman Roger Christman then asked if the requirement for the width of the right of way is 20ft, why was the road only required to be 18ft wide. Engineer Tighe Meckes stated that under Section 1004.A.3 in the SALDO, under parts 5 and 6, that improvements would lead to a minimum travel width of 18ft. Attorney Gaul explained he did not have an answer at that moment as he had not had time to review the file of former issues. He further stated that, by way of example, submissions or resubmissions to the Planning Commission are usually submitted ten days in advance of the meeting to allow for time for all involved to review submissions before the meeting. In this case, the Planning Commission only received the Board of Supervisors' correspondence the day of the meeting. He further stated that the Planning Commission is not obligated to make any decisions that evening.

Chairman Roger Christman stated he would rather see the Plan come through as a Major Subdivision to which Mr. Saunders responded there was no subdivision. Vice-Chairman Rick Meixsell then stated within the year that this plan has been in process, no improvements have yet been made to the road. He went on to explain clearing of brush and cleaning up the areas along the road could lead to a better impression of anyone visiting the property instead of going to the Board of Supervisors to change the sequence of events the Planning Commission follows to maintain the rules set in place and make things better in the future for residents.

Chairman Roger Christman asked if anyone would like to make a motion for any acceptance or action on the Plan to which there was none.

Attorney Gaul asked Attorney Weismeth if there was a written Extension for the Plan. Attorney Weismeth responded that he did intend to submit one and that the Township's current deadline for a decision is May 5, 2025. Attorney Gaul asked whether the applicant had agreed to an extension through August at the Board of Supervisors meeting. Attorney Weismeth responded that the extension was under the assumption that a recommendation would be granted by the Planning Commission within the current extension's timeline. With this, Attorney Gaul explained there was no proposed extension before the Planning Commission and they should report back to the Board of Supervisors what had been discussed for them to continue.

Attorney Weismeth again requested a motion be made to recommend denial of the application. Attorney Gaul asked the Planning Commission members if any member would like to make a motion, to which there was none.

It was stated the Plan would be reviewed again at the next meeting. Attorney Weismeth asked for directive of what the Planning Commission would be looking for as protocol would lead to a motion to table the Plan for the next meeting as they were on the agenda. Attorney Gaul explained that the Planning Commission was free to take any action it felt appropriate, but that he was not prepared to provide counsel on the Plan this evening and asked if there would be any motion to table until the next Planning Commission meeting.

Vice-Chairman Rick Meixsell made a motion, seconded by Chairman Roger Christman, to table discussion until the next meeting being held on May 13, 2025 as voting would be taking place on May 20, 2025.

Discussion continued over if the extension through August would be honored by the applicant or if the applicant was backing out of the August extension that was listed in the letter from the Board of Supervisors as there was no signed document of the August extension. Attorney Weismeth stated he had spoke to the Board of Supervisor's Solicitor about getting the extension form to sign and they would then make a decision, and that he still had not received the form. Township Secretary Melissa Monaco shared she had provided the form to Mr. Saunders. Mr. Saunders confirmed that he had the form in his

car. Attorney Gaul stated that he also had copies of the Township extension form with him. Attorney Weismeth stated there would not be an extension signed tonight.

Attorney Gaul stated that Attorney Weismeth's request for the Planning Commission to table the plan to its next meeting did not make sense if the applicant is not granting an extension because the current deadline would be prior to the Planning Commission's' next meeting.

When discussing if a denial recommendation would be put through to the Board of Supervisors, Attorney Gaul stated the Planning Commission would need to be able to review the items to give reasoning for a denial recommendation, but the timing of the letter from the Board of Supervisors did not allow for such review. He then explained the responsible option would be to make a motion to return the Plan to the Board of Supervisors without a recommendation due to lack of time to consider the matter. The Planning Commission would need more time if they are to play a role in the approval process without scheduling a special meeting outside of the normal timeframe.

At this time Howard Beers stepped forward and asked to address the Planning Commission about the situation. He went on to ask about the maximum of three private dwellings being served by a private access street and about his confusion with the Plan being before the Planning Commission when it should have been originally addressed at the Zoning level.

Mr. Beers stated Attorney Weismeth had shared this was not a Land Development Plan at a previous meeting and then continued on to read the listed definition of Land Development under the Ross Township Zoning Ordinance (pg 34) that the improvement of one lot, or two or more contiguous lots, tracts or parcels of land for any purpose involving a group of two or more residential, or non-residential, buildings whether proposed initially or cumulatively. Which would lead to the Plan falling under a Land Development per the definition.

Mr. Beers continued to read from Section 801(pg 162) of the Zoning Ordinance about frontage onto improved streets, number of uses or buildings and minimum size of dwellings. With frontage onto improved streets, each proposed new block, land development and each proposed principle building shall be on a lot that directly abuts a public street to which the lot in question does meet the requirement. Continuing with a street proposed to be dedicated to the Township by the subdivision plan which creates such a lot or a private street that meets all requirements of the Township's Subdivision and Land Development Ordinance. The private street in question does not meet the requirements of the Township SALDO. Furthermore, under 801B, two or more principal buildings or uses located on a parcel in single ownership shall conform to all requirements of the Ordinance which would normally apply to each building, or use, if each were on a separate District lot, which the property also does not meet the requirement of.

Next, Mr. Beers shared his opinion that the lot in question is a non-conforming lot and then read from Section 805.4 (pg 168) in reference to expansion of a non-conforming residential use stating that an existing non-conforming residential use may be expanded as a permitted by right use permitted that the number of dwelling units is not increased.

After citing from the three sections, Mr. Beers shared he did not understand why the Plan was before the Planning Commission when the Zoning Officer should have denied the Plan leading to the applicant going before the Zoning Hearing Board, which has to follow all regulations as they are set, if they would want to seek relief of the denial. Mr. Beers continued to explain this is why the Zoning Code had been passed, and then updated to become a regional Zoning Plan, and again explained he was seeking to understand why the Plan wasn't before the Zoning Hearing Board to seek a variance.

Before continuing, Attorney Gaul asked Mr. Beers to share again which sections he referenced to be noted.

Attorney Gaul then explained Zoning issues can come up in SALDO applications, but all plans submitted would still need to comply with Zoning Regulations. Attorney Gaul stated that Mr. Beer's comments were noted, but it was not something that he could provide guidance to the Planning Commission on this evening. Mr. Beers then asked again about what had happened to the maximum of three dwellings served by a private access street. Engineer Tighe Meckes answered in the letter received from the Board of Supervisors, the modification granted for the section covered the maximum number of dwellings and measurements of the right of way.

Attorney Gaul asked if the Planning Commission would like to enter an Executive Session to discuss legal matters with the Solicitor.

Roger Green Jr made a motion to enter an Executive Session at 7:33pm. The motion was seconded by Herb Stecker and passed unanimously.

At 7:42pm, the Planning Commission returned from Executive Session. The Solicitor asked the Recording Secretary to confirm that the minutes included (1) the Planning Commission did not receive the Board of Supervisors' correspondence notifying the Planning Commission of the Board's action until today. (2) that the applicant's position was that the Township's review deadline was May 5, 2025, and no extension had been granted, and (3) the applicant would not grant an extension in writing tonight. The Recording Secretary confirmed the minutes included those items.

Lauri Lapping made a motion to move the Plan to the Board of Supervisors without recommendation due to lack of time for review by the Planning Commission and the deadline for decision. The motion was seconded by Roger Green Jr and carried unanimously.

NEW BUSINESS:

There was no New Business.

OPEN TO THE PUBLIC:

There was no further public comment.

PENDING:

None

ADJOURNMENT:

There being no further business, the meeting adjourned at 7:43pm. The motion to adjourn was made by Herb Stecker, seconded by Vice-Chairman Rick Meixsell and carried unanimously.

Respectfully Submitted,

Lizzy Stortz
Temporary Recording Secretary