

**SALEM TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
MUNICIPAL BUILDING
6:00 P.M.
May 7, 2025**

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

John Durco PC member
Paul Holleran, PC Vice-chair
Connie Mattei, PC Chair
Gary Falatovich, Township Solicitor (Remote)
Kelly Otto, Township and PC Secretary

4. ADMINISRATIVE

A. Motion made by Paul Holleran and seconded by John Durco to approve the Minutes of the previous Planning Commission meeting of April 2, 2025 (Cherry Hills LP, Westmoreland County Food Bank)

Vote on the motion: John Durco, Paul Holleran, and Connie Mattei voted for the motion. Motion passed unanimously.

5. NEW BUSINESS

A. Review the request of Greg Koontz

1. To revise the lot lines between tax map nos. 57-10-00-0-031 situated in Salem Township and 52-11-00-0-005 situated in Loyalhanna Township by consolidating parcel B being a portion of tax map no 57-10-00-0-008 into tax map no 57-10-00-0-031 and also consolidating parcel A being the remaining portion of tax parcel 57-10-00-0-008 and all of tax parcel 52-11-00-0-004 into tax map no 52-11-00-0-005. Tax map nos. 57-10-00-0-008 and 52-11-00-0-004 will no longer exist after the consolidation.

Present: Greg Kootz, property owner/applicant

Discussion/Conditions follow:

1. As per Section 307.A.8, the Statement of Purpose should be revised to read as follows:

“The purpose of this plan is to revise the Lot Lines between Westmoreland County Tax Map Parcel Nos. 57-10-00-0-008 & 57-10-00-0-031 in Salem Township and 52-11-00-0-004 and 52-11-00-0-005 in Loyalhanna Township.

Westmoreland County Tax Map Parcel No. 57-10-00-0-008 is being subdivided into two (2) Parcels. Parcel A is located partially in Loyalhanna Township and partially in Salem Township. The portion located in Salem

SALEM TOWNSHIP PLANNING COMISSION
MEETING MINUTES
MUNICIPAL BUILDING
6:00 P.M.
May 7, 2025

Township is part of Tax Map Parcel No. 57-10-00-0-008. The portion in Loyalhanna Township contains all of Tax Map Parcel No. 52-11-00-0-004. The areas of Tax Map Parcel 57-10-00-0-008 and 52-11-00-0-004 were conveyed to the current owners (Gregory Koontz, Robert Bortz and Rose Bortz) as one parcel by deed recorded with the Recorder of Deeds of Westmoreland County at Instrument No. 202503170006507 without reference to Tax Map Parcel 52-11-00-0-004 and, accordingly, due to this scrivener's error, Parcel No. 52-11-00-0-004 is still listed as being in the name of the "Mary Lou Trout Revocable Living Trust dated 2/27/2008" even though Tax Map Parcel 57-10-00-0-008 and 52-11-00-0-004 were conveyed as a single & common parcel. The combined area of Parcel A is then being joined to Tax Map Parcel No. 52-11-00-0-005 in Loyalhanna Township. The portion of Parcel A in Salem Township will continue to be assessed under Parcel No. 57-10-00-0-008 unless annexation occurs.

Parcel "B" is entirely in Salem Township, it will be consolidated with Westmoreland County Tax Map Parcel No. 57-10-00-0-031 and, ostensibly, become part of Parcel No. 57-10-00-0-031 for tax assessment purposes."

2. As per Solicitor Falatovich, the Parcel Data Table for Parcel 52-11-00-0-005 should be amended to read as follows:

<u>Parcel Data</u>	
Existing Parcel 52-11-00-0-005	2.043 acres
New Loyalhanna Portion of Parcel A	_____ acres
New Salem Portion of Parcel A	_____ acres
TOTAL = 5.043 acres	

3. The reference to the distribution of acreage between Salem Township and Loyalhanna Township underneath that Parcel Data table can then be eliminated altogether.
4. As per Solicitor Falatovich, the Ownership information for all parcels should be revised to reflect ownership on a tax map number parcel-by-parcel basis as follows (Section 502(H)(4)):

Parcel: 57-10-00-0-008

Owners: Gregory Koontz
455 Wolf's Lake Road
New Alexandria, PA 15670
And
Robert & Rose Bortz
463 Koontz Road
New Alexandria, PA 15670
Source of Title: Inst No. 202503170006507

Parcel: 52-11-00-0-004

Owners: Gregory Koontz
455 Wolf's Lake Road
New Alexandria, PA 15670

SALEM TOWNSHIP PLANNING COMISSION
MEETING MINUTES
MUNICIPAL BUILDING
6:00 P.M.
May 7, 2025

And

Robert & Rose Bortz
463 Koontz Road
New Alexandria, PA 15670

Source of Title: Inst No. 202503170006507

Parcel 57-10-00-0-031

Owners: Gregory and Diane Koontz
455 Wolf's Lake Road
New Alexandria, PA 15670

Source of Title: DBV 2242 PG 805

Parcel 52-11-00-0-005

Owners: Robert & Rose Bortz
463 Koontz Road
New Alexandria, PA 15670

Source of Title: Inst. No. 200707300035519

5. As per Section 502(H)(22), the Township's Certification should be amended as follows:

"Having satisfied the requirements of the Salem Township Subdivision and Land Development Ordinance, final plan approval is granted by the Township of Salem, Westmoreland County, PA, this _____ day of _____, 202____. Approval of this plan by Salem Township Board of Supervisors is for recording purposes only and does not constitute acceptance of any dedicated roads in to the Township road system."

ATTEST:

Secretary

Chairman

6. As per Section 502(H)(22), ADD to the Plan a County Certification under the Salem Township certification to read as follows:

Westmoreland County Certification

"This plan was reviewed by the Westmoreland County Planning Department this ____ day of _____, 20____.

Attest: _____
Director, Westmorland County Planning Department

SALEM TOWNSHIP PLANNING COMISSION
MEETING MINUTES
MUNICIPAL BUILDING
6:00 P.M.
May 7, 2025

7. A Non-Buildable Waiver for Parcels A and B have been submitted to the Township and signed by the SEO and Township. A copy needs to be supplied to the County Planning Department; and
8. A Revision Number and Date must be shown on the Plan.

Motion made by Paul Holleran and seconded by John Durco to recommend final approval subject to the conditions mentioned above.

Vote on the motion: John Durco, Paul Holleran, and Connie Mattei voted for the motion. Motion passed unanimously.

B. Review the request of Jack & Deborah Dunaway

Present: Jack Dunaway, property owner/applicant
Dennis Rosatti, Surveyor
JC and Suzan Morosky, adjoining property owners

1. To subdivide parcel "2" in the Dunaway Subdivision Plan from the entire tract for future estate purposes.

Discussion/Conditions follow:

1. As per Section 307(A)(6), the Owners Name and Tax Map Parcel No. 57-08-00-0-168 should be located within the area of Parcel 1;
2. As per Solicitor, please revise the language under "Current Property Use" to read:
 - a. "Parcel 1 – Single Family Residential Dwelling with existing on-lot water and sewer facilities."
 - b. "Parcel 2 – Non-Buildable – Continued agricultural/silviculture usage."

There was discussion removing "residual tract" from parcel 2. Connie explained to Dennis that it is confusing. It was agreed by Solicitor Falatovich that it is not a problem to leave it on the plan.

3. As per Section 502(H)(7), Note 11 relating to the 50' easement should be revised to read as follows:

"Rights over the 20' access easement from Oak Hill Road, and the 50' Access and Utility Easement through Lot 1, are intended by Owners to be used for the benefit of Lot 2, and conveyed as easements for the installation of utilities and for ingress, egress and regress to Lot No. 2 to Oak Hill Road in the areas shown on the Plan. The easement running through Lot 1 is intended to burden Lot 1 and benefit Lot 2"

SALEM TOWNSHIP PLANNING COMISSION
MEETING MINUTES
MUNICIPAL BUILDING
6:00 P.M.
May 7, 2025

4. As per Section 307(D)(6), the right-of-way width for Oak Hill Road must be shown on the Plan;
5. As per Section 502(H)(11) and Sections 412(A) & (D), a thirty (30) foot front building set back line, and a (10) foot side and rear set back line for Parcel 2 must be shown on the Plan;

Setbacks were shown on parcel 1 but not on parcel 2. Dennis Roasatti said he probably had a layer turned off on the CAD drawing and will update the plan. Connie said she will have him decide what he considers is the front setback. She presumes it is off of the easement where there is a driveway which would be 30' and 10' side and rear.

6. As per Section 502(H)(22), the Township Certification should be amended as follows:

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ATTEST:

Secretary

Chairman

7. The Planning Waiver & Non-Building Declaration (Parcel 2) should be revised to reference Parcel 2 as being in continued “agricultural/silviculture” use, and the reference to “Parcel B” should be revised to “Parcel 2”;
8. A Non-Buildable Waiver for Parcel 2 must be signed by the Owner and submitted to the Township for SEO and Township approval;
9. A Revision Number and Date must be shown on the Plan

Adjoining property owner, JC Morosky, expressed concerns with not being informed of the subdivision until he received the adjoining property owner notice a week prior to the meeting. Connie explained that the township obligation is to send notice 7 days prior. He was also concerned about access to the second parcel of land. The only access to the parcel is the 20” access easement. The Konos are concerned with it becoming an estate with new homes and more traffic as a result. Solicitor Falatovich explained that when the Township approves the plan, all they are doing is acknowledging that there is a 20’ access easement that passes over the Morosky property that was established years ago when the Dunaway’s built their house. That will remain private as would the access to the utility easement. Nothing in the plan opens the road up to public use. It would be insufficient width to make the 20’ easement an access point for future development. JC requested more time to contact a surveyor to discuss. Connie explained the 90-day requirement of the supervisors to take action.

SALEM TOWNSHIP PLANNING COMISSION
MEETING MINUTES
MUNICIPAL BUILDING
6:00 P.M.
May 7, 2025

Motion made by Paul Holleran and seconded by John Durco to recommend Final approval subject to the conditions mentioned above.

Vote on the motion: John Durco, Paul Holleran, and Connie Mattei voted for the motion. Motion passed unanimously.

C. Review the request of Penn Home & Farm LLC

1. To add lot 1 to the property of John & Patricia Kilpatrick as an additional side yard and to add lot 2 to the property of Penn home & Farm LLC as an additional side yard.

Discussion/Conditions follow:

Present: Tom Spears, property owner/applicant

Connie explained that this plan was originally submitted last year, and it was sent through as a side-lot addition to the rear of the Kilpatrick property. That plan was withdrawn, and a new plan was submitted. There is a question about the ownership of lot 2 (the paper street).

Solicitor Falatovich explained that part of the proposed plan shows lot 2 bearing tax map #57-12-00-0-021 to be conveyed by Penn Home and Farm and Lot 1 to be conveyed to the Kilpatrick's . Lot 2 is half of a 50' street that is not improved that was dedicated to the Township as a public road but never opened by the Township in 1962. as part of the Garden Courts Plan of Lots. Under the second-class Township code, you have to go through a process to have the unopened public street vacated. The owners of the adjacent properties don't have a title interest in it until this is done. To go forward with the plan, the property owners have to file a petition to vacate the unimproved public street for the full 50' width to the Township supervisors. The Supervisors have to conduct a public hearing and provide notice to all of the adjacent properties. If they decide to vacate, an ordinance would need passed that would authorize the vacation.

Tom Spears' understanding from his council is that if you don't open the road within 21 years, that it expires. And the property automatically goes to the adjoining neighbors.

Solicitor Falatovich stated that is incorrect. The law in the state of PA states that the mere fact that a Municipality does not open an unimproved street does not constitute what the Supreme Court has called a de facto vacation. There is still a process that needs to be followed to go through with the vacation.

Tom Spears advised that there will be a very similar request at the bottom of the property. Solicitor Falatovich said to submit both requests at the same time if he is ready to because the procedure is exactly the same.

SALEM TOWNSHIP PLANNING COMISSION
MEETING MINUTES
MUNICIPAL BUILDING
6:00 P.M.
May 7, 2025

Connie suggested submitting a time waiver. The Supervisors have until July 13 to take official action which means they will need to have it on their agenda in June unless there is a special meeting.

1. The Applicant will need to petition the Township to vacate the 50' right of way, as advised by Solicitor Falatovich.
2. The process above may be time consuming, and the Applicant should consider submitting a time waiver.

Motion made by John Durco and seconded by Paul Holleran to recommend Tabling the plan making the informal comments mentioned above.

Vote on the motion: John Durco, Paul Holleran, and Connie Mattei voted for the motion. Motion passed unanimously.

D. Review the request of Robert and Loretta Zundel

Present: Bob Zundel, Property owner/applicant
Colton Zundel, grandson
John Cenkner, surveyor

1. To subdivide off lot 101 containing 1.9987 acres for conveyance to the current owner's grandson for the purpose of constructing one (1) single family home thereupon. No other subdivision of the property shall occur.

Discussion/Conditions follow:

Connie – the Land Preservation Board already approved the plan but their original signature needs to be on a mylar. Solicitor Falatovich confirmed that he understands from talking to the solicitor of the Westmoreland County Agricultural Land Preservation Board that they have to approve the plan and their signature must appear on the plan.

John Cenkner said that all the drawings that were brought here were already signed and approved by the Westmoreland County Agricultural Preservation Board. If we need to add more to the plan, how are we going to modify the plans when they are already approved and signed? Solicitor Falatovich said if the Agricultural Land Preservation Board approved the plan, they approved it for the Agricultural Board purposes that were

SALEM TOWNSHIP PLANNING COMISSION
MEETING MINUTES
MUNICIPAL BUILDING
6:00 P.M.
May 7, 2025

based on their requirements. It doesn't constitute approval based on the Township's SALDO.

1. The abutting Parcel 57-20-00-0-010 owned by Denise L. Stoner must be shown on the plan (Section 502(H)(17));
2. The Pre-Subdivision Acreage must be shown on the Plan (Section 502(H)(21)).
3. As per Solicitor, in the upper left-hand corner of Sheet 1 of the Plan, the Note concerning Lot 101 should be removed from the Plan to be consistent with Note 14.
4. A modification request from the minimum two hundred (200) foot road frontage requirement in Section 414(A)(i) must be submitted to the Township for approval by the Supervisors. If granted, the following Note must appear on the Plan:

“By approval of this plan, the Board of Supervisors of Salem Township hereby approves a modification of the minimum road frontage requirements of the Township’s Subdivision and Land Development Ordinance for Lot 101.”

5. A Planning Module for Lot 101 must be submitted to the Township, signed by the SEO and approved by the Supervisors;
6. A modification request from the minimum ten (10) foot side setback must be submitted to the Township for approval to address the encroachment of two test pits if used for the construction of on-lot sanitary sewer facilities (Section 412(D)). If granted, the following Note must appear on the Plan:

“To the extent necessary, in the event any test pit shown on the plan to be within required setbacks is used for the construction of on-lot sanitary sewer facilities for Lot 101 which would cause sanitary sewage from Lot 1 to be absorbed within the Owner’s residual parcel, Owner hereby grants an easement for Lot 101 for same. Such easement shall burden the Residual Lot and benefit Lot 101.”

7. As per Section 502(H)(22):
 - a. Amend the Owners “Dedication” to read “Owners Certification”;
 - b. Label the Westmoreland County Certification;
8. As per Section 502(H)(22), the Township’s Certification should be amended as follows:

“Having satisfied the requirements of the Salem Township Subdivision and Land Development Ordinance, final plan approval is granted by the Township of Salem, Westmoreland County, PA, this _____ day of _____, 202____. Approval of this plan by Salem Township Board of Supervisors is for recording purposes only and does not constitute acceptance of any dedicated roads in to the Township road system.”

SALEM TOWNSHIP PLANNING COMISSION
MEETING MINUTES
MUNICIPAL BUILDING
6:00 P.M.
May 7, 2025

ATTEST:

Secretary

Chairman

9. As per the Solicitor, the Owners' grandson and his wife, if taking title in joint names, should both sign off on the Plan.
10. Approval by the Westmoreland County Agricultural Land Preservation Board is required.
11. A Revision Number and Date must be shown on the Plan.

Motion made by Paul Holleran and seconded by John Durco to recommend Final approval subject to the conditions mentioned above.

Vote on the motion: John Durco, Paul Holleran, and Connie Mattei voted for the motion. Motion passed unanimously.

E. Review the request of ITEAM Forward LLC

1. To consolidate tax map nos. 57-04-00-0-088 and 57-04-00-0-089 into one property.

Discussion/Conditions follow:

Present: Brian Almeter, Surveyor for Fahringer, McCarty, & Grey
JT Hodil, ITEAM Forward LLC/applicant

Resident and adjoining property owner, Eric Hageder stated that one of the test pits(2A) that are on the drawing was physically dug on his property.

Brian Almeter explained that they spotted the test pit location based on the soil scientists handheld longitude and latitude. We have since surveyed the test pit locations and put stakes in the ground to show where the dividing line was between this property and the adjoining property owner and we acknowledge that it was over the property line approximately 9-10'. We have since reached out to Fred Brandt he said that the absorption area for the on-lot system can still be built on the consolidated property outside of the 12' setback as required.

SALEM TOWNSHIP PLANNING COMISSION
MEETING MINUTES
MUNICIPAL BUILDING
6:00 P.M.
May 7, 2025

Solicitor Falatovich asked is test pit 2A as shown on the drawing located in time and space at its accurate location in respect to the property line?

Brian Almeter said that he has an exhibit that he can share with the Township that shows the exact location of the test pit. He can adjust the location on the consolidation plan if need be.

Eric Hageder asked how our SEO, Dave Jobe, approves without looking at it.

Solicitor Falatovich said that would be a question for Dave. He agrees that this is not the first time this has happened.

1. A revised Plan must be submitted showing accurate locations of at least 2 functioning test pits on the property.
2. The location of Test Pit 1A should be adjusted on the Plan to show its accurate location;
3. Test Pit 2A located on the abutting property identified as Tax Map Parcel #57-04-00-0-087 should be removed from the Plan;
4. The location of the proposed 'absorption area' should be accurately located on the Plan;
5. A Planning Module must be signed by the Owner and submitted to the Township for SEO and Township approval;
6. As per Sections 307(A)(2) and 307(C)(1, 2, and 3), a Location Map must be shown on the Plan;
7. As per Section 502(H)(6), each parcel should be identified separately by tract boundaries showing the bearings and distances;
8. As per Section 307(A)(6) and 502(H)(21), the current Owners Name, Tax Map Parcel No. and Pre-Subdivision acreage should be located within the boundary area of each existing parcel;
9. As per Solicitor, the reference to Parcel "A" should be removed from the Plan, leaving the combined Post-Subdivision acreage for the consolidated parcels shown on the Plan (Section 502(H)(21));
10. As per Section 307(D)(5), the location of the existing private water well and septic should be shown on the Plan for Tax Map Parcel #57-04-00-0-088 and #57-04-00-0-089;
11. If the properties are serviced by public water, a confirmation letter from MAWC needs submitted verifying the taps, and the location of the water line extending to the residence(s) need to be shown on the Plan;

SALEM TOWNSHIP PLANNING COMISSION
MEETING MINUTES
MUNICIPAL BUILDING
6:00 P.M.
May 7, 2025

12. As per Section 502(H)(11), the building set back lines must be shown on the Plan for the consolidated parcel as follows:
 - a. A thirty (30) foot front building setback line (Section 412(A));
 - b. Ten (10) foot side and rear yard setback lines (Section 412(D));
13. As per Section 502(H)(12), the location of the existing driveways for Tax Map Parcel No. 57-04-00-0-088 and 57-04-00-0-089 should be shown on the Plan;
14. As per Section 502(H)(15), the right-of-way width for Athena Drive should be shown on the Plan;
15. As per Section 502(H)(22), the Township's Certification should be amended as follows:

"Having satisfied the requirements of the Salem Township Subdivision and Land Development Ordinance, final plan approval is granted by the Township of Salem, Westmoreland County, PA, this _____ day of _____, 202____. Approval of this plan by Salem Township Board of Supervisors is for recording purposes only and does not constitute acceptance of any dedicated roads in to the Township road system."

ATTEST:

Secretary

Chairman

16. The Owner's Certification must include the Name of the Managing Member for ITEAM + Forward LLC as per Section 502.H.22;
17. A Revision Number and Date must be shown on the Plan.

Motion made by Paul Holleran and seconded by John Durco to recommend Tabling the plan subject to the conditions mentioned above.

Vote on the motion: John Durco, Paul Holleran, and Connie Mattei voted for the motion. Motion passed unanimously.

F. Review the request of Gregory Tuttle

1. For a side lot addition to remedy the encroachment of a newly constructed garage on tax map no. 57-09-00-0-091

Discussion/Conditions follow:

SALEM TOWNSHIP PLANNING COMISSION
MEETING MINUTES
MUNICIPAL BUILDING
6:00 P.M.
May 7, 2025

Present: David Lentz, Surveyor

Gordon Staats – son of William & Heather Staats, abutting property owners

1. As per Section 307(D)(8), the Statement of Purpose should be modified to read:

“The purpose of this plan is to subdivide a parcel of land from Tax Map Parcel No. 57-09-00-0-091 (Labeled Lot 2) and add it to Tax Map Parcel No. 57-09-00-0-033 to correct a shed encroachment issue.”

2. As per Section 502(H)(12), the location of the existing driveway for Tax Map Parcel No. 57-09-00-0-033 should be labelled on the Plan;
3. As per Section 502(H)(22), the Owners Certification for Darlene Duncan should be modified to read:
“Darlene Duncan, formerly Darlene Hohn”
4. As per Section 502(H)(22), the Township’s Certification should be amended as follows:

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ATTEST:

Secretary

Chairman

Dave Lentz expressed frustration with the township certification constantly changing. Normally, with Municipalities it is a standard statement that is placed on all plans. Every plan is different coming from Salem. Somebody is getting paid to rewrite this every time. Solicitor Falatovich said we are trying to simplify the process.

5. As per Section 502(H)(7), the following Note must be added to the Plan:

“By submitting this plan the parties hereto agree that the existing 20-foot private right-of-way running through the front of the Duncan property (Tax Map Parcel #57-09-00-0-033) is being extended an additional 112 feet to reach the corner of the Tuttle property (Tax Map Parcel #57-09-00-0-091) in the area depicted on the Plan.”

6. A request for a modification from the minimum setback requirements of the SALDO must be submitted to the Township for approval (Sections 412(B) and 502(H)(11), and the following Notes must appear on the Plan:

SALEM TOWNSHIP PLANNING COMISSION
MEETING MINUTES
MUNICIPAL BUILDING
6:00 P.M.
May 7, 2025

“By approval of this Plan, the Board of Supervisors of Salem Township hereby approves a modification of the minimum front building setback requirement of the Township’s Subdivision and Land Development Ordinance for Tax Map Parcel #57-09-00-033.”

“By approval of this Plan the Board of Supervisors of Salem Township hereby acknowledges that the Garage located on Tax Map Parcel #57-09-00-033 is legally nonconforming in the location shown on the Plan.”

7. A Non-Buildable Waiver for Lot 2 must be signed by the Owner and submitted to the Township for SEO and Township approval;
8. A Revision Number and Date must be shown on the Plan.
9. The Solicitor also points out that the 30’ front yard setback appears in 2 locations on the plan and requests clarification on whether the 30’ front yard set back is being run from SR 819, the edge of the private easement or the common boundary line with the Gray property. Only one (1) front yard setback line should appear on the plan. The solicitor believes it should be run from the common boundary line with the Gray property and, depending on its location, the second note in No. 6 above may not be necessary.

Abutting property owner Gordon Staats discussed issues with right of ways on the property and people accessing the private property that shouldn’t be there.

Motion made by Paul Holleran and seconded by John Durco to recommend Final approval subject to the conditions mentioned above.

Vote on the motion: John Durco, Paul Holleran, and Connie Mattei voted for the motion. Motion passed unanimously.

6. OLD BUSINESS

A. Review the request of Cherry Hills LP

1. To subdivide three lots totaling 4.85 acres from tax map parcel# 57-13-09-0-044 to be known as the Salem Estates Subdivision. This plan was tabled at the April 2, 2025 Planning Commission meeting due to the details listed below that are needed to bring the plan into compliance with our SALDO

Discussion/Conditions follow: From April 2, 2025 PC Meeting

SALEM TOWNSHIP PLANNING COMISSION
MEETING MINUTES
MUNICIPAL BUILDING
6:00 P.M.
May 7, 2025

1. A Statement of Purpose must be added to the Plan (Section 307.A.8). **The revised plan appears to comply;**
2. The Name and Address of the Developer should be amended to show the current Owner, Cherry Hills LP, as the Developer with the appropriate Deed Reference to the parcel (Section 307.A.4 and Section 502.H.4); **The revised plan appears to comply.**
3. The perimeter boundaries for Lot 1, Lot 2 and Lot 3 should be drawn with darker lines to more clearly define the lots (Section 502.H.6); **The revised plan appears to comply.**
4. A minimum frontage for all Lots shall be one-hundred twenty-five (125) feet. If Lot 1, Lot 2 and/or Lot 3 fall below this minimum, a modification will need requested (Section 414.A.ix). If granted, a Note will need added to the Plan. **Lot 2 does not comply with the minimum road frontage requirement.**
 - a. **A request for a modification from the minimum road frontage requirements of the SALDO must be submitted to the Township for approval. If granted, the following Note must be shown on the Plan:**

“By approval of this Plan, the Board of Supervisors of Salem Township hereby approves a modification of the minimum road frontage requirement of the Township’s Subdivision and Land Development Ordinance for Lot 2 as shown on the Plan.”
5. Define and Label on the Plan the existing stormwater management area located on Lots 1, 2 and 3 as the “Limit of Stormwater Management Area” (Section 502.H.7); **Amend to read “Limits of Stormwater Management Area”.**
6. The Stormwater Management Area manages stormwater from the adjoining property DCM Real Estate Partnership (Tax Map No. 57-13-09-0-043) and possibly CVM Group Inc. (Tax Map No. 57-13-09-0-010). Provide any agreements or evidence of understandings regarding their responsibility to maintain those facilities (Section 502.H.7); **Appears to comply. However, the following documents are to be submitted to the Township for the Solicitor’s review and approval to confirm compliance:**
 - a. **Restrictive Covenant Agreement between Lakefront Properties LP and K. Hovnanian Summit Homes of PA, LLC dated October 21, 2004, and**
 - b. **Declaration and Establishment of Easements, Conditions, Reservations and Use Restrictions for Cloverleaf Office Park dated September 9, 1998, recorded September 14, 1998, DBV 3612 Page 315.**
7. Identify and Label on the Plan all utilities to include the sanitary sewer and water line connections to each existing structure, and all utility easements (Section 307.D.5); **The revised plan appears to comply.**
8. Determine the current status of the twenty-four (24) foot “access easement” shown on the DCM Real Estate parcel (57-13-09-0-043) as access to the “vinyl and brick garage” on Lot 3, and clarify on the Plan if the easement is existing with its proposed/future purpose or intent (Section 502.H.7); **The revised plan appears to**

SALEM TOWNSHIP PLANNING COMISSION
MEETING MINUTES
MUNICIPAL BUILDING
6:00 P.M.
May 7, 2025

comply. This easement exists and will remain part of Lot 3. However, Applicant will submit a copy of the Easement Agreement to the Township Solicitor for final review and approval.

9. A Private Road Agreement for the maintenance of “Brush Run Road” must be signed by the Developer and recorded prior to Final approval of the Plan, and all language must be removed from the Plan that Brush Run Road is to be dedicated to the public (Section 502.H.7). Maintenance of the stormwater area and easements may also be incorporated into the agreement; **Does not comply, and this item is still outstanding. The Applicant is in the process of negotiating the terms of a Private Road Agreement and will submit it to the Township when finalized. The Private Road Agreement will need to be reviewed and approved by the Township Solicitor as a condition of plan approval.**
10. Verify and Note on the Plan that each lot within the subdivision shall contain an easement for ingress and egress and across any private road and/or access way for the benefit of such lot and for access by emergency vehicles (Section 405.H and Section 503.A.3); **The revised plan appears to comply.**
11. Sufficient data to determine the location, bearing and length of “Brush Run Road” should be added to the Plan with the correct spelling of the road name (Section 502.H.8); **The revised plan appears to comply.**
12. Building set back lines must be shown on the Plan for Lot 1, Lot 2 and Lot 3 (Section 502.H.11) as follows: **The revised plan appears to comply.**
 - a. A building on a lot abutting a private road (Brush Run Road) shall be set back from the right of way line not less than thirty (30) feet (Section 405.G);
 - b. The minimum front building setback line distance on all streets (Scenic Drive) shall be thirty (30) feet from the edge of the right-of-way (Section 412.A); and
 - c. The minimum side and rear building setback line distance shall be ten (10) feet for any residential use and fifteen (15) feet for any commercial use (Section 412.D);
13. The “vinyl and brick garage” shown on Lot 3 is encroaching into the front building setback and will need a modification request. If granted, a Note will need added to the Plan; **The revised plan does not comply:**
 - a. **A request for a modification from the minimum front building set back line must still be submitted to the Township for approval.**
 - b. **The following Notes must appear on the Plan:**

“By approval of this Plan, the Board of Supervisors of Salem Township hereby approves a modification of the minimum front building setback requirement of the Township’s Subdivision and Land Development Ordinance for Lot 3 as shown on the Plan.”

AND

SALEM TOWNSHIP PLANNING COMISSION
MEETING MINUTES
MUNICIPAL BUILDING
6:00 P.M.
May 7, 2025

“By approval of this Plan the Board of Supervisors of Salem Township hereby acknowledges that the Vinyl and Brick Garage located on Lot 3 is legally nonconforming in the location shown on the Plan.”

14. The location of the private driveways and/or access to each structure need to be shown and labeled on the Plan, whether existing or proposed (Section 502.H.12); **The revised plan appears to comply.**
15. Show on the Plan the location of the “billboard” on Lot 3, and label it as existing with the proposed/future purpose or intent (Section 307.D.5); **Amend the notation that the billboard is “to be removed” and replace with “existing billboard” but appears to comply.**
16. The hatched area at the end of Brush Run Road appears to be the location of a dumpster and should be labeled if it is located on Lot 3 (Section 307.D.5); **The revised plan appears to comply.**
17. Amend the “Box” labeled “Suburban Residential” and “Zoning Standards” to read “Subdivision and Land Development Requirements”; **The revised plan appears to comply.**
18. FTMSA/DEP and MAWC verifications of the public sanitary sewer and public water facilities are required; **The revised plan does not comply. Applicant is to submit verifications to the Township from FTMSA and MAWC.**
19. The following Note must be added to the Plan: **The revised plan appears to comply.**

“This Plan modifies the Cloverleaf Office Park Plan of Lots recorded with the Recorder of Deeds of Westmoreland County in Plan Book Volume 91, Pages 973 & 974 and the Cloverleaf Office Park Plan No. 2 recorded with the Recorder of Deeds of Westmoreland County at Instrument No. 200407210043988.”
20. The Corporate Adoption makes reference to “covenants” applicable to this property, but makes no reference to what they are or where they can be found. The Plan appears to be subject to those restrictions recorded with the Recorder of Deeds of Westmoreland County in Deed Book Volume 3612 Page 310 & Volume 3612, Page 315 and at Instrument No. 200411120067130. Please clarify. (Section 502.H.20); **The revised plan appears to comply. These statements were removed from the Plan.**
21. Amend the “Corporate Adoption” language to reflect the Owner’s Certification in Section 502.H.22 as follows: **The revised plan appears to comply.**

Owner’s Certification:

I, the undersigned, _____, owner of the real estate shown and described herein, do hereby certify that I have laid off, platted and subdivided, and hereby lay off, plat and subdivide said real estate in accordance with this plat. This subdivision shall be known as the _____ subdivision. All streets and alleys shown not heretofore dedicated to the public shall be deemed “private roads”

SALEM TOWNSHIP PLANNING COMISSION
MEETING MINUTES
MUNICIPAL BUILDING
6:00 P.M.
May 7, 2025

and shall be the responsibility of the property owners into which such property is conveyed. The building setback lines are hereby established as shown on this plat, between which lines and the property lines of the street, there shall be erected or maintained no building or structure. Nothing in the approval of this subdivision shall be deemed or construed as an acceptance of any street, road or other facility or improvement for public purposes and the Township of Salem, Westmoreland County, Pennsylvania has no construction and/or maintenance responsibilities over same.

Witness my hand and seal this _____ day of _____, 20__ before me, a Notary Public in and for said state and county personally came _____ known to me to be the person whose name(s) is/are subscribed to the within instrument. In witness whereof I have hereunto set my hand and official seal.

Notary Public

My Commission Expires: _____

22. Additional change: Amend the Township Certification as follows:

Township Certification:

“Having satisfied the requirements of the Salem Township Subdivision and Land Development Ordinance, final plan approval is granted by the Township of Salem, Westmoreland County, PA, this _____ day of _____, 202___. Approval of this plan by Salem Township Board of Supervisors is for recording purposes only and does not constitute acceptance of any dedicated roads in to the Township road system.”

Attest: _____
Secretary

Chairman

23. Amend the Westmoreland County Planning Certification as follows: **Appears to comply.**

Westmoreland County Planning Certification:

This subdivision was reviewed and approved by the Westmoreland County Planning Department this _____ day of _____, 20__.

Attest: _____
Director, Westmoreland County Planning Dept.

24. The following additional comments were made at the May 8, 2025 meeting and must be addressed in the next revision to the plan:

SALEM TOWNSHIP PLANNING COMISSION
MEETING MINUTES
MUNICIPAL BUILDING
6:00 P.M.
May 7, 2025

a. **Remove Note 3 from the Plan.**

b. **The Notations on the left side of the Plan are to be amended as follows:**

- (1) Remove the first paragraph beginning with “By approval of this Plan....”. Individual Notes for the modifications granted are to be individually shown on the Plan as referenced above.**
- (2) Remove the second paragraph beginning with “The purpose of this plan...” The determination of ownership of the roads and stormwater facilities will be detailed in a Private Road Agreement referenced above.**
- (3) Remove the fourth paragraph beginning with “Roads: All roads, streets,”. Roads are not anticipated to be dedicated to the Township.**
- (4) Additional adjustments of the Notes and/or certifications may be necessary after review of the outstanding documents and agreements.**

25. A Waiver of Time is recommended to be signed by the Applicant. The application was filed March 19, 2025. Under the MPC, the Supervisors must take official action by June 17, 2025. The Supervisors next regular meeting is scheduled May 21, 2025. The 90 days will lapse prior to the June meeting on the 18th. The Applicants were agreeable to this. **A Waiver of Time form will be supplied with this Memo.**

26. A Revision Number and Date must be shown on the Plan. The existing April 16, 2025 revision date should remain on the plan so it can be cross-referenced against this letter. Any new plan submitted to address the new or comments which were not addressed in the April 16, 2025 revisions, will need to contain an updated revision date.

Discussion from May 7, 2025 meeting:

Present: George Saad & Mark Nikouli – Cherry Hills LP

There was much discussion concerning what needs done to bring the plan in compliance with our SALDO.

Solicitor Falatovich suggested waiting until June for their approvals. If they would sign a time waiver through to the June 18 meeting that gives an extra day to submit revised plans. The application was submitted March 19, 2025. The Supervisors need to take action to approve/deny the plan within 90 days of the submission. If the supervisors would deny it in May, they would be under the new fee schedule and need to submit with the new increased

SALEM TOWNSHIP PLANNING COMISSION
MEETING MINUTES
MUNICIPAL BUILDING
6:00 P.M.
May 7, 2025

fees. If a plan goes before the Supervisors in May with all of these conditions, it is possible that it can be denied.

Motion made by Paul Holleran and seconded by John Durco to recommend Tabeling the plan due to the number of items needed to bring the plan into compliance with our SALDO.

Vote on the motion: John Durco, Paul Holleran, and Connie Mattei voted for the motion. Motion passed unanimously.

7. SALDO DISCUSION

Motion made by Paul Holleran and seconded by John Durco to discuss review procedures for the new revisions to the Subdivision and Land Development Ordinance.

Connie asked Solicitor Falatovich for options to sit down and discuss procedure without having a public meeting. Solicitor Falatovich explained that it is not a violation of the Sunshine Act to engage in discussions with one another. A violation of the Sunshine Act is if you are deliberating and taking informal votes. He suggested advertising a workshop to take informal votes to recommend to the Supervisors.

Connie asked if the application that will be attached to a resolution as exhibit A and approved by the Supervisors will require the Deed, Lease, option to purchase, evidence of title interest to be attached. Solicitor Falatovich said those documents will need to be submitted. Connie asked if the application would have to go through the review process and be a part of the resolution. Solicitor Falatovich said it doesn't need to, but it won't hurt to approve it.

Vote on the motion: John Durco, Paul Holleran, and Connie Mattei voted for the motion. Motion passed unanimously.

Motion made by John Durco and seconded by Paul Holleran to advertise a workshop at a date to be determined.

Vote on the motion: John Durco, Paul Holleran, and Connie Mattei voted for the motion. Motion passed unanimously.

SALEM TOWNSHIP PLANNING COMISSION
MEETING MINUTES
MUNICIPAL BUILDING
6:00 P.M.
May 7, 2025

Motion made by _____ and seconded by _____ to recommend a review procedure for the new revisions to the Subdivision and Land Development Ordinance.

Motion died due to lack of a motion. The PC is not ready to recommend a review procedure until after the workshop.

Vote on the motion: DURCO_____HOLLERAN_____MATTEI_____

8. Adjournment

Motion made by Paul Holleran and seconded by John Durco to adjourn this meeting with the next regular meeting to be held on June 4, 2025 at 6:00pm if there is an agenda.

Vote on the motion: John Durco, Paul Holleran, and Connie Mattei voted for the motion. Motion passed unanimously.

Meeting adjourned 9:14

Respectfully Submitted,

Kelly Ott