

SALEM TOWNSHIP PLANNING COMISSION
MEETING MINUTES
MUNICIPAL BUILDING
6:00 P.M.
APRIL 2, 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)
Doug Regola, Township Engineer
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 March 5, 2025
(The Estate of Lawrence Bash subdivision)**

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 Cherry Hills LP

**Present: Mark Nikouli, Cherry Hills LP
George Saad, 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.

Discussion/Conditions follow:

1. A Statement of Purpose must be added to the Plan (Section 307.A.8).
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);
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);

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NOTE: The three homes located on the parcel are existing. The purpose of the subdivision is to create a separate parcel for each of the existing homes. In an effort to comply with the minimum lot size of one (1) acre for lots served by a public sanitary sewerage disposal system and a public water distribution system (Section 414.A.ix), the lot lines for Lot 2 are very irregular. If the lot lines for Lot 2 are adjusted to a more rectangular shape and the acreage falls below the minimum lot size, a modification would need to be requested with the “hardship” that the location of the existing homes are fixed. If granted, a Note will need added to the Plan.

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.
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);
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);
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);
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);
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;
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);
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);
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:

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- 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);

NOTE: The homes on the parcel are existing and front the private road Brush Run Road. The parcel is part of the original Cloverleaf Office Park Plan which was modified under the County's SALDO in the Cloverleaf Office Park Plan No. 2. The back lot line is located along Township Road Scenic Drive. It is unclear in the Township's SALDO if setbacks for building lines along a Township Road considered the 'back' of the property require compliance with a thirty (30) foot building line as per Section 412.A.

- 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;
- 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);
- 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);
- 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);
- 17. Amend the "Box" labeled "Suburban Residential" and "Zoning Standards" to read "Subdivision and Land Development Requirements";

NOTE: The Township does not have a specific building height requirement, and the rear yard setback is ten (10) feet (Section 412.D);

- 18. FTMSA/DEP and MAWC verifications of the public sanitary sewer and public water facilities are required;
- 19. The following Note must be added to the Plan:

"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

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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);

21. Amend the "Corporate Adoption" language to reflect the Owner's Certification in Section 502.H.22 as follows:

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" 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. Amend the Township Certification as follows:

Township Certification:

"Approved by the Board of Supervisors of Salem Township, Westmoreland County this _____ day of _____, 20____. Approval of this plan by the Salem Township Board of Supervisors is for recording purposes only and does not constitute acceptance of any dedicated roads into the township road system."

Attest: _____
Secretary

Chairman

23. Amend the Westmoreland County Planning Certification as follows:

Westmoreland County Planning Certification:

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

Attest: _____
Director, Westmoreland County Planning Dept.

24. A Revision Number and Date must be shown on the Plan.

George Saad – MAWC visited the site and lot 2 and 3 are sharing the waterline via a T. The intention is to connect Lot 3 with a tap that was purchased. 4 taps were purchased for the three houses and the garage.

John Durco – asked Doug Regola what is the size of the sewage line.

Doug Regola – a dedicated sewer line coming up from the gas company is an 8” line because the commercial building was built first.

Mark Nikouli – There is a lateral coming from each house and go to the main line. The laterals have been cameraed and passed.

Solicitor Falatovich – A note is to be added to the plan stating that sidewalks shown on the plan are for convenience only and no cross easements are granted.

John Durco – We need an agreement to bring firetrucks in to have access.

George Saad – we can make comment that Egress/Regress is to remain open for emergency vehicles.

Motion made by Paul Holleran and seconded by John Durco to provide informal comments to the applicant and recommend tabling the plan due to the details 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.

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6. OLD BUSINESS

A. The request of Westmoreland County Food Bank

Present: Dan Irvin, Morris Knowles & Associates

1. For final approval to construct a building addition with parking on tax map parcel number 57-12-00-0-087.

At a public meeting on December 18, 2024, the Salem Township Supervisors granted preliminary approval to the Westmoreland Food Bank Land Development Plan to construct a building addition with parking subject to the following conditions:

1. Verify that the number of off-street parking spaces provided for the facility and identified on the Plan match in number the Proposed parking spaces identified in the Parking Information Table.
2. A modification from SALDO Section 602(F)(1) has been submitted to the Township and is recommended for approval to reduce the average parking space from 9' wide by 20' in length, with a drive isle of 24', to a 9' wide by 16' in length, with a drive isle of 19' width for the existing parking spaces along the front of the building.
3. The Recorder's Certification can be removed from the Preliminary Site Plan, which will not be recorded.
4. WCD Erosion and Sedimentation Control Plan approval is required;
5. NOTE: The Stormwater Management Plan has been approved by the Township Engineer.
6. NOTE: FTMSA has reviewed the plan and does not feel it is necessary to submit a planning module or purchase a tap as part of the building expansion.
7. A Revision Number and Date must be added to the Plan.

Solicitor Falatovich – Doesn't have a problem leaving the Recorder's Certification on the preliminary plan.

Solicitor Falatovich - Final Approval can be granted before the Operation and Maintenance agreement is signed but it will need to be signed before the plan is recorded.

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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.

1. SALDO DISCUSION

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

Connie Mattei – The supervisors had a public hearing on March 20, 2025 and they took public comment on some revisions to our SALDO. One of the revisions was to allow the Planning Commission to make recommendations for review procedures.

One of the things that has come up is that we need to provide a checklist to the applicant of what is a completed application. We would like to make a procedure formal in the form of a resolution.

Solicitor Falatovich – Once a plan comes to a planning commission meeting you can do an informal review and say before you get to any of the modifications, this additional document would be submitted, or you need to file A, B, and C. The clock wouldn't start running but the applicant would have an idea of what they would need to do to comply. As a preface to the Planning Commissions comments you can say that the plan was incomplete because it didn't contain A, B, and C so the plan can't be accepted as filed for purposes of maintaining the 90-day time period under the MPC however, we informally reviewed the plan and here are our initial recommendations. This can be put into a resolution.

Solicitor Falatovich will have public notice for the amendments to the ordinance to the Township tomorrow for publication on Monday. It will be on the April 16th agenda for approval by the supervisors. The amended fee schedule will be set by resolution also on the 16th.

Jack Dunaway – how did this motion get on the agenda? We have never done this before.

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Connie – During the process of Saldo revisions, concerns were raised of what is considered an informal discussion and what violates the Sunshine law. We started to talk at public meetings to prevent violating the Sunshine Law.

Solicitor Falatovich said the discussion is not the problem, it is the deliberation – coming to a conclusion. If you start to take a consensus on how they feel in certain situations, that is when you violate the Sunshine Act.

Connie will provide a draft and vote on it at the next PC meeting.

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

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

Vote on the motion: DURCO_____HOLLERAN_____MATTEI_____

The review procedure is not in a form to review so this motion dies.

Motion made by Paul Holleran and seconded by John Durco to adjourn this meeting with the next regular meeting to be held on May 7, 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 7:15pm

Respectfully submitted,



Kelly Otto