

**SALEM TOWNSHIP PLANNING COMISSION  
MEETING MINUTES  
MUNICIPAL BUILDING  
244 CONGRUITY RD GREENSBURG PA 15601  
April 3, 2024 - 6:00 P.M.**

**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

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

**4. ADMINISRATIVE**

- A. Motion made by Paul Holleran and seconded by Connie Mattei to approve the Minutes of the previous Planning Commission meeting of March 6, 2024 (Delmont Builders Supply& Delmont Industrial Drive and Frank Mangery)**

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

**5. NEW BUSINESS**

- A. Review the request of:** Florence Jean Artman and Sarah Starrett

To subdivide using existing Township boundaries in order to alleviate the hardship of compliance of Township and Municipality ordinances. The request is to have Lot #1 bearing tax map No. 49-16-00-0-099 located in the Municipality of Murrysville and tax map No. 57-07-00-0-035 and -36 located in Salem Township to be moved into one Municipality.

**Discussion/Conditions follow:**

**Present: Property owner Sarah Starrett and daughter, Courtney Starrett  
Surveyor Eugene Healde  
Township SEO, Dave Jobe  
Township secondary SEO, Dan Dascani**

**A letter stating the purpose of the plan was presented to the Township by the surveyor and summarized by Sarah Starrett. The property is in the name of Sarah and her mother's. She wants to give property to her daughter and husband to build a house. To make it easy, she took 3.02 acres of property located solely in Murrysville and gave it to them. Of the 12.93 acre parcel, 3.02 acres is in Murrysville.**

**Summary after discussion: On the new plan the Municipality line needs to extend all the way down to Rt 66 and clarify any additional property to be added to parcel -036.**

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**SEO question: Will it create problems for installing a new septic system to serve a residential dwelling on parcel -099? The home on parcel -035 will continue to use the system that is going to be on the new lot and then they will perc the new lot.**

**Dave Jobe said that the requirement would be two perc sites on Salem Township parcel -036 and create an easement for the existing Murrys ville lot. The Ordinance does not allow systems to be created in an easement and not on the parcel. If the house in Salem is being serviced by a system in Murrys ville, you cannot create an easement to that system because of the ordinance. Murrys ville would have to grant a waiver for that to happen.**

**Salem is not able to move forward on this plan until questions get answered from Murrys ville. Plan notes will depend on whether or not Murrys ville will grant a waiver to allow an easement to capture the existing system. The existing system is too small for a four-bedroom house. If they want to keep using it for the house in Salem, DEP will have to approve a component II module.**

1. The tract boundaries with bearings and distances for parcel 57-07-00-0-036 must be shown on the Plan (Section 502.H.6).
2. The Tax Map No. must be shown on the Plan within the boundaries for each of the three parcels implicated by the Plan, 57-07-00-0-035, 57-07-00-0-036, and 49-16-00-0-099 (Section 307.A.6).
3. The Pre- and Post-subdivision of the New Lot 1 and Parcel 57-07-00-0-036 must be shown on the Plan (Section 307.D.1).
4. A forty (40) foot front building set back line, from the edge of the ROW, for each Parcel along Route 66 must be shown on the Plan (Section 502.H.11, Section 412.B).
5. A thirty (30) foot front building set back line, from the edge of the ROW, for each parcel along Daisy Lane must be shown on the Plan (Section 502.H.11, Section 412.A).
6. A ten (10) foot side and rear set back line for all parcels located in Salem Township must be shown on the Plan (Section 502.H.11, Section 412.D).
7. A written request has been submitted for exceptions to the minimum setback requirements for the Township's approval. To the extent any existing building is encroaching into a required setback, the following note should appear on the Plan:

**"By approval of this Plan, the Board of Supervisors of Salem Township acknowledge that, to the extent any the building or structure depicted on the plan encroaches into a required setback, such structures are legally nonconforming in the locations shown on the plan."**
8. The location and width of the private road Daisy Lane must be shown and labelled on the Plan (Section 502.H.11).

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9. The location of all private driveways must be shown and labelled on the Plan (Section 502.H.12).
10. The area of an easement for the connection to the septic system from the existing house on Lot B to the New Lot 1 must be described in a metes and bounds, and shown on the Plan (Section 307.D.5).
11. A Sewage Planning Module and/or a Non-Buildable Waiver for the parcels in Salem must be signed by the Owner and submitted for Township and SEO approval?
12. All utilities and easements must be shown on the Plan (Section 307.D.5, Section 502.H.7).
13. Extend the Municipal Boundary Line between Salem Township and the Municipality of Murrys ville to its end point at Route 66 (Section 502.H.19).
14. Amend the Township Certification to read as follows (Section 502.H.22):

**Township Certification:**

“Approved by the Board of Supervisors of Salem Township, Westmoreland County this \_\_\_\_ day of \_\_\_\_\_, 2024. 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

15. Amend the Westmoreland County Certification to read as follows (Section 502.H.22):

**Westmoreland County Planning Certification:**

“This subdivision was reviewed and approved by the Westmoreland County Planning Department this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Attest: \_\_\_\_\_  
Director, Westmorland County Planning Department

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

**Motion made by Paul Holleran and seconded by Connie Mattei to recommend tabling the request due to the complexity of the plan and to give Murrys ville time to answer questions as identified above. The conditions above will be sent to the surveyor within the next couple of days.**

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

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**B. Review the request of: Randall Koenig**

To create Lot 4 (8.4801 Acres) from the lands of John Randall Koenig (Map No: 57-09-00-0-110 Instrument No: 202311270030400

**Discussion/Conditions follow:**

**Present: Art Kromel, Surveyor**  
**James Daniels, buying lot 4**  
**Township SEO, Dave Jobe**  
**Township secondary SEO, Dan Dascani**

Art Kromel summarized the statement of purpose. Mr. Koenig owns 49 acres along SR 819 he is planning to subdivide on the West side of SR819.

Solicitor Falatovich stated that holding tanks require a holding tank agreement with the Township. They are temporary until sewage is available. If they are approved, they are to be registered with the DEP. There are no records of such for this holding tank. If the property doesn't pass a perc test as a last resort a holding tank is an option. Is that the reason this holding tank is there or is it there because the owner didn't want to put in a septic system? The reasons for this holding tanks existence are unknown.

Dave Jobe recommended talking to DEP to see which way they want to go. It hasn't been sized and there isn't any paperwork on it. Solicitor Falatovich questioned whether DEP will allow them to enter into a holding tank agreement because it has been here and is functional? Or will they not even think about an agreement until the lot has attempted to be percolated? Dave Jobe is thinking probably the latter.

Jimmy Daniels suggested because of the uncertainty, he pull the holding tank out. There isn't any water under pressure. Dan Dascani explained that you can mark the plan non-buildable for residential use, but you can still use it for storage or agricultural use.

Dan Dascani mentioned a stream on the property and cautioned that it may be a wetland area. Art explained that the stream is on the other side. If they would down the road decide to perc, then it would show up that it wouldn't perc down there.

1. The existing holding tank on Lot 4 is to be removed, Non-Building nomenclature must be added to the Plan, a Non-Buildable Waiver form for Lot 4 signed by the Applicant must be submitted to and approved by the Township SEO, and the following note must appear on the Plan:

"The water supply on Lot 4 is limited to a cistern, the existing holding tank will be removed and any existing sanitary sewer facilities will be disabled. The use of the property will be used for storage by the Owner and will not be used or occupied for any commercial or residential purposes, and will be declared "Unbuildable" unless sanitary sewage facilities are hereafter approved for the property."

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2. The existing home on Parcel "1-B" must be labeled on the Plan (Section 307.D.5).
3. The locations of the well and septic for the house on Parcel "1-B" must be located on the Plan (Section 307.D.5).
4. Amend the Township Seal to read "Salem Township Board of Supervisors" (Section 502.H.5.c).
5. Amend the County Seal to read "Westmoreland County Planning Department" (Section 502.H.5.d).
6. The front setback for Lot 4 should be forty (40) feet from the edge of the ROW on State Route 819 (Sections 412.B and 502.H.11).
7. The side and rear setbacks for Lot 4 should be fifteen (15) feet and labelled on the Plan (Sections 412.D and 502.H.11).
8. Amend the "Setbacks" information under the Plan Data to reflect #4 and #5 above.

Should the existing building on Lot 4 encroach into the required front yard setback, a request for an exception must be submitted in writing to the Township, and the following Note must appear on the Plan:

"By approval of this Plan, the Board of Supervisors of Salem Township acknowledge that, to the extent any building or structure depicted on the plan encroaches into a required setback, such building or structure is legally nonconforming in the location shown on the plan."

10. The location of the private driveway on Parcel "1-B" should be shown on the Plan (Section 502.H.12).
11. Label the gravel area on Lot 4 as a private driveway (Section 502.H.12).
12. A Note should be added to the Plan indicating no portion of the property is in a designated flood zone (Section 307.D.4).
13. The following Note should be added to the Plan:

"No plat which will require access to a highway under the jurisdiction of the Department of Transportation shall be finally approved unless the plat contains a notice that a highway occupancy permit is required pursuant to section 420 of the act of June 1, 1945 (P.L.1242, No.428), known as the "State Highway Law," before driveway access to a State highway is permitted."

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

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**Motion made by Paul Holleran and seconded by Connie Mattei to recommend approval subject to the conditions mentioned above.**

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

**C. Review the request of: Jeffrey Shaw**

**Present: Property owner, Jeff Shaw**  
**Township SEO, Dave Jobe**  
**Township secondary SEO, Dan Dascani**

To create 1 new building lot from tax map No. 57-14-00-0-397 and instrument number 2024012400001890 with the residue having an existing house and septic.

**Discussion/Conditions follow:**

**Jeff Shaw stated that 78 Acres were subdivided in November 2023 to split between the Ott irrevocable trust and the Shaw brothers. Jeff would like to retain as much residual land as possible for future development.**

**Solicitor Falatovich stated that this will essentially be a three-lot subdivision because a new lot is being created. A lot is in the middle of everything being subdivided. The lot lines as shown on the plan, shows that this parcel is not adjacent to the other original properties. It is now a free-standing parcel.**

**The old plan from November 2023 shows the roadway looks like it is on lot 2. On the new plan, it looks like it cuts it off to show there is a 33' private right of way. It looks like it is just part of that parcel.**

**Connie stated that you need a contiguous 10 acres to qualify for an exemption for lot 1. The land hook connects the two to make it a 10-acre lot, but Ott Rd is in between. That makes it not contiguous. If it is determined that Ott Rd is an easement, it is contiguous. Solicitor Falatovich stated that SEO and DEP approval of a sewage planning module will be required if the parcel does not meet the 10-acre exemption requirements.**

**Dan Dascani explained that when Mary Ott Plan No. 2 subdivision went through in 1996 creating this tract that is currently being subdivided, it showed that the 10-acre exemption was already used for the parent tract. It can only be used once.**

**Solicitor Falatovich said that the problem is that the lots abut one another with a property line without showing the area of easement for access. The roadway from Ott Road itself has to be on someone's property. The roadway and right of way needs defined. The property lines are on the road itself. The 33' right of way is being blocked.**

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1. The names and addresses of all owners must be shown on the Plan. The names and addresses of owners/subdividers William M. Shaw and Ryan M Shaw must be added to the Plan (Section 502.H.4).
2. The Tax Map Parcel Number for the Residual Tract (Lot 2) must be shown on the Plan within the parcel's boundaries (Section 307.A.6).
3. The tract boundaries for Lot 1 must be shown on the Plan to allow the small portion on the South side of Otts Road containing an existing dwelling to abut and remain consolidated with the Residual Tract (Lot 2) (Section 502.H.6).
4. Otts Road must be clearly shown on the Plan, with the ending point of the Township maintenance identified and any easements allowing access to the Residual Tract (Lot 2) (Section 502.H.7).
5. The location and width of all private driveways must be labelled and shown on the Plan (Section 502.H.12).
6. The existing building and well on Lot 2 are encroaching into the required front yard setback, and the following Note should appear on the Plan:

“By approval of this Plan, the Board of Supervisors of Salem Township acknowledge that, to the extent any the building or structure depicted on the plan encroaches into a required setback, such building or structure is legally nonconforming in the location shown on the plan.”
7. A10-acre exemption from sewage facilities planning being requested for Lot 1, which was shown on the Plan, must be submitted and approved by the Township and SEO;

**OR**

A Planning Module for Lot 1 must be submitted for approval by the Township, SEO and DEP, with the locations of the test pits depicted on the Plan.

**NOTE: Both the primary SEO and Alternate SEO were in attendance. During the discussion, the Township's Alternate SEO commented to the Owner that a 10-acre exemption for this property had already been used and that only one (1) exemption per parent tract is available.**

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

**Motion made by Paul Holleran and seconded by Connie Mattei to recommend tabling the request due to the issues described above.**

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

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**6. OLD BUSINESS**

**1. SALDO DISCUSSION**

**Solicitor Falatovich advised that revisions to the SALDO will be distributed in the early part of next week. A meeting will be scheduled thereafter.**

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Motion made by Paul Holleran and seconded by Connie Mattei to adjourn this meeting with the next regular meeting to be held on May 1, 2024, at 6:00pm if there is an agenda.

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

**Meeting adjourned 8:06pm**

**Respectfully submitted,**



**Kelly Otto**