

SALEM TOWNSHIP PLANNING COMISSION
MEETING MINUTES
MUNICIPAL BUILDING
6:00 P.M.
July 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(REMOTE), Township Solicitor
Kelly Otto, Township and PC Secretary
Doug Regola, Township Engineer

4. ADMINISRATIVE

A. Motion made by _____ and seconded by _____ to approve the Minutes of the previous Planning Commission meeting of June 4, 2025 (ITEAM Forward, Tuttle-Duncan Side-Lot addition, Penn Home & Farm)

Vote on the motion: DURCO _____ HOLLERAN _____ MATTEI _____

No motion was made to approve the minutes. The June 4 minutes were not complete in time for the PC to review. They will be on the agenda for approval at the August 6, 2025 PC meeting.

5. NEW BUSINESS

6. OLD BUSINESS

A. Salem Estates Subdivision

Present: Mark Nikouli, Cherry Hills LP

To subdivide three lots each containing an existing residential structure from Tax Map Parcel No. 57-13-09-0-044 to be known as the Salem Estates Subdivision.

This Plan was tabled by the Planning Commission at the April 2, 2025, meeting making informal comment to the applicant. After reviewing the status of the informal comments at the May 7, 2025, Planning Commission meeting, the plan was tabled again. On May 19, 2025, a time waiver was signed by the applicant. On June 23, 2025, a request was made to release the waiver and place the plan on the July 2, 2025, agenda.

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Discussion/Conditions follow: July 2, 2025

Discussions pertained to condition #5, 6, 8, 9

Doug Regola spoke to Kimble Webb at DEP – He said that if you require DEP planning (if you were adding something to it), they would more than likely require an agreement be executed. Since there is no planning, DEP doesn't have any skin in the game, they recommend a note on the plan clarifying who is maintaining that lateral. Doug also mentioned that the sewer location is not on the plan. Mark Nikouli said that their private road agreement would state the homeowners would be responsible for the lateral and whatever problems occur would be repaired by the property owner. Doug would like to see all utilities located on the plan.

Mark Nikouli – each house has its own water tap through MAWC. Lot 2 & 3 were tied together. They just completed separating them. All three houses and garage have their own tap and meter. All utilities are separate.

There was much discussion about who is responsible when there are repairs needed on sewage laterals.

Solicitor Falatovich believes that connections from the house into the common lateral should be the responsibility of each individual lot owner. Once you get into the Common laterals, the expenses should be common. It will be spelled out in the agreements.

Connie stated for the record that mylars will not be produced and signed until all agreements are in place.

- 1. A Statement of Purpose must be added to the Plan (Section 307.A.8). 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); 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); 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. Appears to comply: A written request for a modification has been submitted and the Note appears on the plan.**

Lot 2 does not comply with the minimum road frontage requirement.

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- 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);

This item is outstanding: 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: The following documents have been 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.

The Solicitor has reviewed these and references to their terms have been included in the proposed “Declaration of Private Road and Utility Easements” referenced hereafter.

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);

This item is outstanding:

- a. **As per comments from the Township Engineer, show on the plan any and all sanitary sewer lines, manholes, public water lines; specifically, the main sewer and water lines.**
 - b. **The sanitary sewer lateral extending in front of the homes on Lots 1, 2 and 3 must be relabeled as the “Common Sanitary Sewer Lateral” on the plan to be consistent with the “Declaration of Private Road and Utility Easements”**
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

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easement is existing with its proposed/future purpose or intent (Section 502.H.7); **Appears to comply:** This easement exists and will remain part of Lot 3. The Applicant submitted 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;

This item is partially complete: The Applicant submitted a Draft Private Road and Utility Agreement to address the road, sanitary sewer lateral and stormwater area and is in the process of negotiating the terms to the satisfaction of the Township that the responsibility will be with the home owners and not the Township. The title of this document is ~~to be~~ has been changed to a “Declaration of Private Road and Utility Easements”, has been reviewed and modified by the Township Solicitor and will be recommended to the Supervisors conditioned on the following notes being added to the Plan:

“This Plan is a further modification of the Cloverleaf Office Park Plan of Lots dated September 14, 1998 and Recorded with the Recorder of Deeds of Westmoreland County in Deed Book Volume 3612, Page 315.”

AND

“This Plan contains a series of easements for sanitary sewer laterals, stormwater management facilities and roads which are to be privately owned and maintained by the Owners of the Lots in the Plan under the terms of a “Declaration of Private Road and Utility Easements” recorded along with this plan with the Recorder of Deeds of Westmoreland County at Instrument No.

_____.”

AND

“The Lots in this plan are served by a public water system through the Municipal Authority of Westmoreland County, separately metered are administered under the rules and regulations of the Authority.”

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); **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); **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: **Appears to comply.**

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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);
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; **Appears to comply: The Applicant submitted a written request for a modification and the Notes appear on the Plan.**
- 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**
- “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); **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); **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); **Appears to comply.**
 17. Amend the “Box” labeled “Suburban Residential” and “Zoning Standards” to read “Subdivision and Land Development Requirements”; **Appears to comply.**
 18. FTMSA/DEP and MAWC verifications of the public sanitary sewer and public water facilities are required;

This item is partially satisfied with the following outstanding:

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- a. A letter from MAWC must be submitted to the Township confirming the availability of public water for each house on the site.
- b. A Note must be added to the plan to clarify that public water is available to service each home individually. [This is addressed above].
- c. A Note must be added to the plan to clarify who is responsible for the maintenance of the lateral connection to the sanitary sewage facilities. [This is addressed above].
- d. The locations of all driveways extending from the existing structures to Brush Run Road must be shown on the plan. Reference is made in the above Declaration to the driveway serving Lot 2 encroaching onto Lot 3 and an easement being granted for same. However, the encroaching driveway is not identified on the Plan.

19. The following Note must be added to the 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); **Appears to comply.**

21. Amend the “Corporate Adoption” language to reflect the Owner’s Certification in Section 502.H.22 as follows: **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” 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.

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Notary Public

My Commission Expires: _____

22. Additional change: Amend the Township Certification as follows: **Appears to comply.**

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: **Appears to comply with the exception of (b)(4).**

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.

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- (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. (Addressed above).**

25. A Revision Number and Date must be shown on the Plan. **Appears to comply.**

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.

7. Adjournment

Motion made by Paul Holleran and seconded by John Durco to adjourn this meeting with the next regular meeting to be held on August 6, 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 6:59pm

Respectfully submitted,



Kelly Otto

