

MINUTES OF MEETING OF TOWNSHIP OF PINE BOARD OF SUPERVISORS

Monday, November 16, 2009

Pine Community Center

PLEDGE OF ALLEGIANCE

ROLL CALL

Members in attendance were: Michael J. Dennehy, Chair; Philip D. Henry, Vice-Chair; Frank Spagnolo; and Ed Holdcroft. Supervisor Edward J. Owen attended by telephone. Also in attendance were Gary Gushard, Tucker Arensberg, P.C., Solicitor; Cheryl N. Fischer, Manager; Scott D. Anderson, Assistant Manager; Larry Kurpakus, Director of Land Development; and Jack C. Fasick, Director of Public Works. Also present was Robert Firek of Lennon, Smith Souleret Engineering, Inc.; Richard Voll, Wexford Volunteer Fire Company; Northern Regional Police Chief T. Robert Amann; and Pasquale Avolio, Planning Commission Chair. Mrs. Carole Keeley, Northern Tier Library, was present through her report.

There were approximately 25 visitors present.

CORRESPONDENCE

There was no additional correspondence.

PUBLIC COMMENT

There were no requests to address the Board of Supervisors.

SCOTT D. ANDERSON

Mr. Anderson was acknowledged for 20 years of employment with the Township.

PLANNING AWARD – The Village at Pine

Mr. Dennehy presented Dominic Gigliotti, developer of The Village at Pine, with a plaque from the Township, acknowledging the Pennsylvania Chapter of the American Planning Association Award for The Village at Pine.

Mr. Gigliotti expressed his appreciation and then invited Supervisors to the November 18, 2009 dedication of The Village at Pine waterfall to the fallen heroes of our country.

COMMITTEES

Parks and Recreation Commission

Ms. Patsko was not present.

INTERGOVERNMENTAL AGENCIES

Northern Tier Regional Library

Ms. Keeley reported the September 2009 library statistics of 24,408 items of circulation, 84 new borrowers registered, and 774 items added to the collection. She displayed a graph depicting the annual circulation, from 1999 through present, which indicated a remarkable increase each year. Ms. Keeley reported that at the October 28, 2009 Board of Trustees meeting, the board members approved a 2010 budget that will cut staffing and collections and freeze wages, due to a significant loss in funding by the State. She noted that present services will be maintained.

North Hills COG

Mr. Spagnolo reported that the North Hills Council of Governments will be meeting on November 19, 2009.

Mrs. Fischer reported attending the first meeting of the earned income tax collection committee, at which a temporary chair, vice-chair, and secretary were appointed.

Mr. Owen noted that he will be assisting with the writing of the group's by-laws.

Pine-Richland School District

Mr. Henry reported that School Board member Gary DeChamps is retiring, teacher Michelle Switalik was voted Teacher of the Year, and the School Board continues to develop the plans to expand the high school.

PUBLIC SAFETY

Joint Police Board

The October 2009 written report of the Northern Regional Police was reviewed by Chief Amann. He then added that the Pine-Richland Middle School student council has asked for the Board's approval of their holding a race on Logan Road on Saturday, May 8, 2010, as a fundraiser. He noted that off-duty policemen and teachers will assist with traffic and the Logan Road residents will be informed beforehand by mail.

Wexford Volunteer Fire Company

Mr. Voll reported that the Fire Company responded to 26 calls in September, and 313 calls to date in 2009. He then provided details of several of the monthly calls, such as a structure fire on Bakerstown Road, a chimney fire on Dennis Drive, and a diesel spill on the Red Belt. Mr. Voll added that the Fire Company sponsored a Halloween Parade on Manor Road.

PUBLIC SAFETY

Fire Marshal

Mr. Dennehy acknowledged the October 2009 Fire Marshal's report.

REPORT OF THE SOLICITOR

281 Pearce Mill Road

Mr. Gushard reported that the deed for the Township's recent purchase of 281 Pearce Mill Road, has been recorded. He noted that the Township must decide whether to temporarily secure or immediately demolish the structure.

Chief Amann questioned if the structure could be used for police training if not immediately demolished and was granted that opportunity by the Board.

Mr. Spagnolo offered the use of Spagnolo Custom Homes' excavator to demolish the structure and load dumpsters once the decision has been made to schedule the demolition and after the Township secures the necessary dumpsters.

T-Mobile – Conditional Use Application

Mr. Gushard reported that T-Mobile previously submitted a revised application for conditional use approval. He noted a soils report was provided and the November 12, 2009 Brace Engineering report states that a soils report should be reviewed. He pointed out that as the public hearing was closed on October 19, 2009, the Board must request a time extension from T-Mobile to comply with MPC guidelines for a written decision to be provided within the time limit if a decision is not rendered this evening. Mr. Gushard noted that T-Mobile has agreed to relocate the cable to the north side of the tower. He outlined the Board's options as follows: *Option 1*) Approve the revised application subject to additional conditions as follows: a) Compliance with all 2007 conditions. b) Satisfactory engineering review stating that all structural components and equipment are in compliance with ANSI-222G requirements. c) If non-compliant with Subsection (G), removal of the equipment will be required until compliance with Subsection (G) is achieved. d) External equipment to be relocated to the northern side of the pole. e) Shroud only permitted to extend to 115 feet. f) Shroud to be constructed of same material and color as the pole. *Option 2*) Table the issue to December 7, 2009 (conditioned upon T-Mobile providing a time extension to provide reports necessary to assure compliance with Subsection (G)). *Option 3*) Reject the revised application.

Motion was made by Mr. Henry and seconded by Mr. Spagnolo to defer action on the Conditional Use Application of T-Mobile to December 7, 2009, subsequent to receiving a time extension from T-Mobile, to provide the opportunity to receive additional engineering information from T-Mobile to assure compliance with Subsection (G) and its subsequent review by Brace Engineering. The aye vote on the motion was unanimous. Motion carried.

REPORT OF THE SOLICITOR

T-Mobile – Conditional Use Application (Continued)

The Board agreed to schedule a special meeting before December 7, 2009, if T-Mobile does not provide a time extension.

COMMUNITY DEVELOPMENT UPDATE

Developments before the Planning Commission

Rorison & Korenich Plan of Lots

Mr. Kurpakus reported that the Rorison & Korenich Plan of Lots proposes a lot line modification at properties located at 10983 and 10995 Babcock Boulevard. He explained that, currently, 10983 is provided with lot frontage by means of an un-opened road right-of-way identified as Old State Road. He noted that Township records indicate that this right-of-way has not been formally abandoned. Mr. Kurpakus explained that the lot line modification will provide frontage of the property to Babcock Boulevard. He concluded that the properties are located in the “R-1” Zoning District and both are existing non-conforming lots.

Mr. Firek stated there were no outstanding engineering review items.

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to grant preliminary and final approval of the Rorison and Korenich Plan of Lots pursuant to Drawing 1, drawn by Pilston Surveying, Inc., drawn October 1, 2009 and revised October 20, 2009, subject to compliance with the November 4, 2009 letter of review of Lennon Smith Souleret Engineering. The aye vote on the motion was unanimous. Motion carried.

Stonecrest

Mr. Kurpakus reminded that the Stonecrest Phase I approval required an off-site concrete streetwalk to be constructed along Clover Lane and Logan Road to provide connection to the Pine-Richland School District property. He advised the connection was consistent with the Parks and Recreation Trail Feasibility Study and Township Code, that pedestrian connections (trails and sidewalks) be provided. Mr. Kurpakus added that Phase II approval was conditioned upon the completion of the sidewalk prior to the issuance of building permits. He advised that Heartland Homes is requesting that the Township modify the approval to permit the connection to the school in an alternate location. He specified that Heartland is proposing an asphalt paved trail in the open space, behind the existing houses on Clover Lane.

Mr. Avolio reported that the Planning Commission recommends approval of the revision with the following conditions. 1) Trail to be eight foot wide and bituminous, meeting Township standard details, and beginning on Clover Lane between Lots 223 and 224 and along the rear of Lots 221, 222, and the side of Lot 122 and to the open space identified as 2002-D-1. 2) Required

COMMUNITY DEVELOPMENT UPDATE

Developments before the Planning Commission

Stonecrest (Continued)

pedestrian easements to be obtained and identified on the recording plan. 3) Trail to be deeded to the Stonecrest Homeowner's Association and winter maintenance to be addressed in the covenants. 5) Buffering per Township Code to be provided to Lots 2002-H-7 and 2003-A-4.

Mr. Spagnolo questioned if the adjacent residents were informed of the proposal.

Mr. Marty Gillespie, Heartland Homes, stated that he has spoken to the owners of the lots that the proposed trail will adjoin and they have been amenable to the location. He asked that approval be considered that evening.

Mr. Spagnolo requested that the Township send written notification.

Mr. Kurpakus pointed out that the Phase II approval requires completion of the connection before building permits are issued.

Motion was made by Mr. Holdcroft and seconded by Mr. Spagnolo to grant approval of the Stonecrest off-site trail in lieu of the streetwalk with the following conditions: 1) Trail to be eight foot wide bituminous, meeting Township standard details, and beginning on Clover Lane between Lots 223 and 224 and along the rear of Lots 221, 222, and the side of Lot 122 and to the open space identified as 2002-D-1. 2) Required pedestrian easements to be obtained and identified on the recording plan. 3) Trail to be deeded to the Stonecrest Homeowner's Association and winter and ongoing maintenance to be addressed in the covenants. 5) Buffering per Township Code to be provided to Lots 2002-H-7 and 2003-A-4. The aye vote on the motion was unanimous. Motion carried.

REPORT OF ENGINEER

Mr. Firek highlighted Lennon Smith Souleret Engineering's November 12, 2009 progress report, noting that road paving has been completed other than the sidewalk on Swinderman Road. He also reported that the Community Center entrance lighting project is complete.

PUBLIC WORKS REPORT

Mr. Fasick had nothing to add to his written report.

ADMINISTRATIVE MATTERS

MINUTES

Motion was made by Mr. Holdcroft and seconded by Mr. Henry to approve the minutes of the November 5, 2009 Board of Supervisors meeting. As there was not consensus, a roll call vote was taken with Mr. Holdcroft voting aye, Mr. Henry voting aye, Mr. Dennehy voting aye, Mr. Owen voting aye, and Mr. Spagnolo abstaining due to his absence as the meeting. Motion carried.

FINANCIAL STATEMENT – October 2009

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to approve the October 2009 Financial Statement and the payment of bills thereon. The aye vote on the motion was unanimous. Motion carried.

Mr. Dennehy suggested that the Fire Company, PA One-Call and Shields Paving have their funds wired, to reduce the number of checks.

PINE CREST MANOR PRD

The Court Reporter swore in all those who wished to speak during the Public Hearing on the Pine Crest Manor Planned Residential Development.

Mr. Kurpakus reported that the Meritage Group is requesting tentative approval of the 69 lot Pine Crest Manor planned residential development on Logan Road. Phase I will include the development of three lots accessed from Clover Lane in the Stonecrest Plan, one lot accessed from Timothy Drive and 35 lots accessed from Logan Road via new streets to be named Pinecrest and Redbud Court. He added that Phase I development will include the complete construction of the stormwater management system for both phases, the active recreation amenities, the asphalt and crushed stone walking trail, and the improvements to Logan Road. Public utilities will be constructed for each phase at the time of its development and will include the extensions to adjacent property lines. Mr. Kurpakus summarized that the Parks and Recreation and the Environmental Advisory Council have reviewed the application and their recommendations have been incorporated into the plan.

Mr. Avolio provided the Planning Commission's recommendation for tentative approval with the following conditions: 1) Compliance with the outstanding items listed in the Lennon Smith Souleret Engineering's review letter of October 7, 2009. 2) Compliance with the recommendations of the Parks and Recreation Commission and the Environmental Advisory Council. 3) Approval of waiver requests to include: a) Wetland encroachment for the construction of the sewer line. b) Minimum K-values for stop conditions interior to the plan. c) Cut/fill slopes at 2:1 to limit tree removal and developed area. 4) Township Engineer to confirm sight distance and stormwater management on Logan Road at Pinyon Drive prior to final

ADMINISTRATIVE MATTERS

PINE CREST MANOR PRD (Continued)

construction. 5) Installation of inlet at the end of Clover Lane Extension. 6) Execution of a developer's agreement.

Mr. James Rumbaugh, President of the Meritage Group, noted that the parcel was subdivided from the St. Andrew's property. He stated that they have met all the requirements of the Parks and Recreation Commission, the Environmental Advisory Council, and the Planning Commission.

Mr. Spagnolo questioned the locations of the sanitary sewer extensions and Mr. Kurpakus pointed out the three extensions.

Mr. Michael Shatlock, 250 Timothy Road, questioned if there would be impact to the cul-de-sac and Mr. Rumbaugh clarified that only one lot will be developed on Timothy Road and there will be no vehicular connection between Timothy Road and Pine Crest Manor. Mr. Shatlock stated that he currently has a septic system and questioned how close sanitary sewer would be provided to his property.

Mr. Rumbaugh pointed out the area near Timothy Road where the sanitary sewer would be extended.

Mr. Shatlock questioned if the drainage easement on his property, which backs onto the church property, would be used and Mr. Rumbaugh advised that it would not be used. Mr. Shatlock questioned how a sanitary sewer district is established and was provided with that information by Mr. Gushard.

Mr. Spagnolo acknowledged the Board's awareness of defective septic systems on Logan Road.

Mr. Charles Murslack, 167 Logan Road, recalled that a Logan Road resident previously investigated the possibility of their area receiving sanitary sewer and the majority of residents were not in favor. He questioned if the developer's sanitary sewer extension would make that more feasible and if the Township could assist in that endeavor.

Mr. Gushard explained that the Township acts only as an intermediary between residents and the sanitary sewer authority, but indicated that the proposed extension is a benefit to the residents.

Mr. Murslack requested that the Township consider holding a meeting on the subject. He expressed his intent to begin contact with his neighbors.

ADMINISTRATIVE MATTERS

PINE CREST MANOR PRD (Continued)

Mr. Robert Matoga, a member of St. Andrews's, questioned if sanitary sewer would be extended to the church property and Mr. Rumbaugh replied that a lateral will be provided to the church property.

Mr. Rumbaugh stated that the Meritage Group would remain in contact with the church.

Ms. Molly Fitzgerald, 305 Logan Road, expressed concern about drainage into her stream, as her lake had been impacted when Treesdale was developed.

Mr. Harold McCutcheon, KU Resources, advised that the sedimentation basins were designed with her property in mind and runoff should actually be less. He confirmed that the design meets all applicable Pennsylvania Department of Environmental Protection requirements.

Mr. Jason Koss, 93 Clover Lane, questioned if the three homes on Clover Lane will become part of the Stonecrest development.

Mr. Rumbaugh replied that the three homes will be part of the Pine Crest Manor PRD, but as they would be located within the Stonecrest development, the Meritage Group would be agreeable to provide fees for their inclusion in the Stonecrest homeowners association.

Mr. Koss questioned how many trees would be removed and if a buffer zone would be provided.

Mr. Rumbaugh advised that additional buffer would not be necessary as each of the lots were several acres and tree removal would only be in the area of the house.

Mr. Richard Kwiatkowski, 540 Pearce Mill Road, asked that an alarm be installed on the catch basin, so as to provide the Fitzgeralds with a warning if it was full or not operating.

Mr. Rumbaugh stated that stormwater detention was designed for a 100-year storm and met all State and local requirements and he believed it would function adequately.

Mr. Shatlock requested copies of the overheads used that evening and was advised they would be available at the Municipal building.

Mr. Spagnolo questioned if the sanitary sewer could be extended further.

Mr. Rumbaugh stated he would review that possibility.

ADMINISTRATIVE MATTERS

PINE CREST MANOR PRD (Continued)

Motion was made by Mr. Henry and seconded by Mr. Spagnolo to close the Public Hearing for consideration of the Pine Crest Manor PRD. The aye vote on the motion was unanimous. Motion carried.

Mr. Gushard counseled that the Municipalities Planning Code requires that a written decision be provided within 60 days.

Mr. Rumbaugh requested that verbal approval be provided that evening, so as to allow finalization of the Phase I recorded plan.

Mr. Gushard counseled that formal approval would be provided after the Board's review of his written documentation.

The Board indicated that their approval would be forthcoming.

ORDINANCE 352

Mr. Dennehy opened the Public Hearing for consideration of Ordinance 352.

Mr. Gushard explained that Ordinance 352 will amend Chapter 78 (Subdivision) and Chapter 84 (Zoning). He then highlighted the revisions to the zoning and subdivision chapters of the Township Code.

Mr. Dennehy opened the subject to public comment, with no requests to speak.

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to close the Public Hearing for consideration of Ordinance 352. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Spagnolo and seconded by Mr. Owen to enact Ordinance 352, amending Chapter 78 ("Subdivision") of the Code of the Township of Pine (so as to amend the definition of "street, cul-de-sac" to increase the maximum permitted length of same and to amend the related provisions regarding street layout to include such additional permitted length) and, also, amending Chapter 84 ("Zoning") of the Code of the Township of Pine, so as to delete and amend or revise certain existing provisions thereof and also so as to add additional provisions thereto regarding regulation of the development and usage of land within the Township of Pine, with such deletions, amendments, revisions, and additions affecting portions of Article II (by adding new definitions thereto); Article III (by revising the appropriateness of accessory structures in multiple zoning districts and by regulating night club and office uses); Article IV (by modifying the transparency requirements for structures and regulating the frontage/access requirements in special overlay districts and in planned residential developments,

ADMINISTRATIVE MATTERS

ORDINANCE 352 (Continued)

respectively); Article V (by establishing and regulating accessory uses and accessory structures in multiple zoning districts as allowable, prohibited, or subject to conditional use approval; by modifying regulations pertaining to carriage home developments; providing regulations for night club uses; and by modifying provisions relating to lighting of outdoor advertising signs); and Article VI (by modifying regulations concerning building elevations and exterior facades; by modifying regulations concerning wall signs, master campus signs, secondary master campus signs, sandwich board signs, menu board signs, temporary signs, and awning and canopies (and their illumination in multiple zoning districts) and providing for the repeal of all prior inconsistent ordinances and/or resolutions and providing for severability. The aye vote on the motion was unanimous. Motion carried.

ORDINANCE 353

Mr. Dennehy opened the Public Hearing for consideration of Ordinance 353.

Mr. Gushard explained that Ordinance 353 outlines the Township's annual contributions to the Wexford Volunteer Fire Company. He then provided the specifics of that support.

Mr. Dennehy opened the Public Hearing to public comment, with no requests to speak.

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to close the Public Hearing for consideration of Ordinance 353. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Owen and seconded by Mr. Holdcroft to enact Ordinance 353, establishing a level of financial support to be provided from the Township of Pine to the Wexford Volunteer Fire Company and providing for severability and for the repeal of all prior inconsistent ordinances. The aye vote on the motion was unanimous. Motion carried.

Mr. Dave Buttermore, President of the Wexford Volunteer Fire Company, expressed their appreciation to the Supervisors, Solicitor, and Township Manager.

ORDINANCE 354

Mr. Gushard explained that pursuant to the request of counsel for The Village at Pine, he prepared an ordinance to vacate a portion of the prior public right-of-way for Old Wallace Road.

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to authorize advertisement for a public hearing to consider Ordinance 354, vacating a portion of the prior public right-of-way for Old Wallace Road. The aye vote on the motion was unanimous. Motion carried.

REVIEW PROPOSED AGENDA FOR MONDAY, DECEMBER 7, 2009

The Board reviewed the following agenda for the Monday, December 7, 2009 meeting.

Unfinished Business

Rorison & Korenich Plan of Lots **REMOVED**

Stonecrest Trail Revision Sketch **REMOVED**

Public Hearing requested by the Meritage Group for a 69 lot PRD **REMOVED**

Public Hearing for proposed Ordinance 352, amending Chapter 78 ("Subdivision") and Chapter 84 ("Zoning") **REMOVED**

Public Hearing for proposed Ordinance 353, outlining the Township of Pine's financial support of the Wexford Volunteer Fire Company. **REMOVED**

Findings of Fact and Decision of the Board of Supervisors regarding T-Mobile Conditional Use

Findings of Fact and Decision of Board of Supervisors on the Pine Crest Planned Residential Development

New Business

Public Hearing of proposed Ordinance 354, vacating of a portion of the prior public right-of-way for Old Wallace Road.

Action on Resolution 809, appropriating specific sums estimated to be required for the specific purpose of the municipal government during the year 2010.

Action on Resolution 810, setting the tax rate on all real property within the Township of Pine subject to taxation for the fiscal year 2010.

ADJOURN

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to adjourn. The aye vote on the motion was unanimous. Motion carried.

The meeting adjourned at 8:15 p.m.