

## MINUTES OF MEETING OF TOWNSHIP OF PINE BOARD OF SUPERVISORS

Monday, June 21, 2010

Pine Community Center

This meeting of the Township of Pine Board of Supervisors was called to order at 6:30 p.m. by Michael J. Dennehy, Chair of the Board of Supervisors.

### PLEDGE OF ALLEGIANCE

### ROLL CALL

Members in attendance were: Michael J. Dennehy, Chair; Edward J. Holdcroft; Edward J. Owen; and Frank J. Spagnolo. Also in attendance were Gary Gushard, Tucker Arensberg, P.C., Solicitor; Cheryl N. Fischer, Manager; Scott D. Anderson, Assistant Manager; and Larry Kurpakus, Director of Land Development. Also present was Robert Firek of Lennon Smith Souleret Engineering, Inc.; Richard Voll, Wexford Volunteer Fire Company; Pat Avolio, Planning Commission Chair; John Lombardo, Planning Commission; and Northern Regional Police Chief T. Robert Amann.

There were approximately 50 visitors present.

### CORRESPONDENCE

There was no additional correspondence.

### PUBLIC COMMENT

Mr. John Lombardo, 170 Mayfield Road, suggested the corner at Route 910 and Church Road as a possible location for an area to honor prominent Pine residents, including businessman Herb Scott.

Mr. Anderson reported that he has contacted PennDOT about that possibility, but has not yet received a response.

The Board agreed that the location was agreeable and the issue could be pursued.

### COMMITTEES

#### Parks and Recreation Commission

There was no report from the Parks and Recreation Commission.

### INTERGOVERNMENTAL AGENCIES

#### Northern Tier Regional Library

The written April 2010 report of the Northern Tier Regional Library was reviewed and it was noted that circulation was 15,992, 61 new borrowers were registered and 679 items were added to the collection. The report also listed current and upcoming library programs.

INTERGOVERNMENTAL AGENCIES

North Hills COG

Mr. Spagnolo stated that he had been unable to attend the June 17, 2010 North Hills Council of Governments meeting.

Pine-Richland School District

Mr. Owen expressed appreciation for Mr. Anderson providing information to the Pine-Richland School district on undeveloped parcels in the Township.

PUBLIC SAFETY

Joint Police Board

Chief Amann highlighted the May 2010 Northern Regional Police report.

Wexford Volunteer Fire Company

Mr. Voll reported that the Fire Company responded to 34 calls in May, slightly higher than usual due to storm damage.

Mr. Owen reported that construction of the new fire station remains on schedule.

Fire Marshal

Mr. Dennehy acknowledged the Fire Marshal's May 2010 report.

REPORT OF THE SOLICITOR

Mr. Gushard acknowledged his correspondence to the Pennsylvania Department of Environmental Resources, advising of the Township's interest in dismantling the wind turbine, and his annual statement to the Township's auditors, regarding examination of final statements for year ended December 31, 2009.

COMMUNITY DEVELOPMENT UPDATE

*Developments before the Planning Commission*

Silver Pines Subdivision

Mr. Kurpakus reported that the Planning Commission recommended final approval of the 12-lot Silver Pines Subdivision, with conditions.

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COMMUNITY DEVELOPMENT UPDATE

Developments before the Planning Commission

Silver Pines Subdivision (Continued)

Mr. Avolio listed the Planning Commission's recommended conditions for that approval as follows: 1) Compliance with all conditions of the preliminary approval of March 15, 2010; 2) Compliance with the June 9, 2010 Lennon Smith Souleret Engineering letter of review. 3) Sanitary sewer to be lowered at Brierly Lane in accordance with the Township Engineer's approval. 4) Issuance of a PennDOT Highway Occupancy Permit. 5) Execution of a developer's agreement.

Mr. Victor Lisotto, EAC member, advised that he had presided over review of the submission. He acknowledged that the parcel is a unique property, but he did not support the developer's claim of hardship. Mr. Lisotto expressed his personal concern that the developer's offer of \$10,000 per lot for landscaping will not be used exclusively for vegetation. He added his concern that deviating from the standard tree mitigation requirements will compromise the Township's policy for future development.

Mr. Avolio explained that the Planning Commission had conditioned their approval on staff recommendation and the Board's approval of alternate tree mitigation. He pointed out that waivers were approved at the time of preliminary approval and was not under further consideration at this time.

Mr. Kurpakus stated that the mitigation plan addressed Code requirements and the final plans do reflect those requirements. He noted that the EAC reviewed the submission twice and the Board reviewed both theirs and the Planning Commission recommendations before granting the preliminary approval.

Mr. Anderson reviewed the staff's recommendation to the Board, which specified that 686 trees of significance will be lost due to the development, resulting in the need to mitigate 1480 trees. He explained that as the site is completely wooded, alternate compliance is warranted and the recommended alternative includes the developer's payment of \$37,500 for the planting of trees elsewhere in the Township. Mr. Anderson continued that 88 trees will be mitigated onsite and 24 additional trees will be planted elsewhere on the site. Also, four additional evergreens will be planted on each lot, and each lot is required to have a \$10,000 minimum landscaping plan. Mr. Anderson advised that these will be contained in the developer's agreement.

Mr. Spagnolo clarified that the \$10,000 landscaping plan must be strictly for vegetation.

Motion was made by Mr. Holdcroft and seconded by Mr. Spagnolo to grant final approval of the Silver Pines Subdivision, pursuant to Drawings C-100, C-200, C-300, C-400, C-500, C-501, C-502, C-600, C-601, C-602, C-603, C-604, C-700, C-701, C-702, C-800, C-801, and C-900, all drawn by PVE Sheffler and revised June 14, 2010; and LP-1 and LP-2 drawn by

## COMMUNITY DEVELOPMENT UPDATE

### *Developments before the Planning Commission*

#### Silver Pines Subdivision (Continued)

Victor-Wetzel Associates and revised June 14, 2010, conditioned upon the following: 1) Compliance with all conditions of preliminary approval. 2) Compliance with the June 9, 2010 Lennon Smith Souleret Engineering letter of review. 3) Sanitary sewer to be lowered at Brierly Lane in accordance with the Township Engineer's approval. 4) Issuance of a PennDOT Highway Occupancy Permit. 5) Execution of a developer's agreement which includes the staff's recommendation for tree of significance mitigation. The aye vote on the motion was unanimous. Motion carried.

Mr. Gushard expressed his intent to prepare documentation which will include specifics for the approval of the requested waivers.

#### John George Application for Change in Zoning

Mr. Kurpakus reported that the Planning Commission tabled an Application for Change in Zoning submitted by John George, 171 Wexford-Bayne Road, for property at 181 Wexford-Bayne Road.

#### Pine Hollow Subdivision

Mr. Kurpakus reported that the Planning Commission also tabled review of the Pine Hollow Subdivision, an 18-lot subdivision on Wallace Road.

#### 11978 PERRY HIGHWAY

Mr. Kurpakus requested authorization to advertise for a liquor license transfer into The Village at Pine.

Motion was made by Mr. Holdcroft and seconded by Mr. Owen to authorize advertisement of a liquor license transfer to 11978 Perry Highway. The aye vote on the motion was unanimous. Motion carried.

## REPORT OF ENGINEER

Mr. Firek referred to the June 15, 2010 report of Lennon Smith Souleret Engineering and noted that the 2010 road paving program will begin June 23, 2010.

## PUBLIC WORKS REPORT

Mr. Fasick had nothing in addition to his written April 2010 report.

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ADMINISTRATIVE MATTERS

MINUTES

Motion was made by Mr. Holdcroft and seconded by Mr. Spagnolo to approve the minutes of the June 7, 2010 Board of Supervisors meeting. The aye vote on the motion was unanimous with the exception of Mr. Owen who abstained, due to his absence at that meeting. Motion carried.

HEURICH CONSTRUCTION REZONING REQUEST

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to open the Public Hearing for consideration of the Heurich Construction Application for Change in Zoning.

Mr. Kurpakus reported that Heurich Construction has submitted an Application for Change in Zoning District for property located south of Route 910 in the area of Brown and Reynolds Roads, with the affected parcels totaling approximately 74 acres. He clarified that the submission proposes the rezoning of 17 acres from "R-1" to "R-3", and 46 acres from "R-1" to "R-2". He noted that a land development or subdivision request is not part of the rezoning request. Mr. Kurpakus reported that six Planning Commission members were present for review of the rezoning request at their May 10, 2010 meeting and voted three in favor of the requested rezoning and three opposing it.

Mr. Daniel Gramc, Goehring Rutter Boehm, reported that there are no immediate plans for development of the 114 acre Heurich property. He advised that a small portion of the property is currently zoned "R-3" and the remainder is "R-1" and the neighborhood will remain residential with the proposed rezoning. He added that the road system will be the same whether the property is developed as "R-1", "R-2", or "R-3". Mr. Gramc pointed out that the Township's Comprehensive Plan encourages higher density near the town center, which is directly across from the Heurich property. He clarified that the TCDO permits 10 units per acre and the Heurich property across Route 910 only permits one unit per acre.

Aerial photographs of the parcel were displayed and Mr. Steven Victor, Victor-Wetzel Associates, pointed out that a West View Water Authority storage tank is located in the middle of the parcel. Mr. Victor explained that the Township Comprehensive Plan designates the highest residential density along Route 19 and The Village of Pine. He reminded that the original request was to rezone "R-1" property to "R-3", as that provides a greater flexibility in land use, but the Planning Commission was not in favor of the entire site being "R-3". The plan was then revised, using the natural ridgeline as a boundary, with "R-2" to the south and 21 acres of "R-3" to the north. He explained that the final plan, presented for consideration, shows a 17-acre parcel that would be an extension of the "R-3" from the existing parcel zoned "R-3" and the remaining area of 46 acres be rezoned from "R-1" to "R-2". Mr. Victor stated that this proposal was submitted to the EAC and was supported unanimously and then back to the Planning Commission in May and received a split recommendation. Mr. Victor clarified that the proposed "R-2" zoning will only permit a density of 1.25 units per acre.

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HEURICH CONSTRUCTION REZONING REQUEST (Continued)

Mr. Avolio clarified that the portion requested to be rezoned from “R-1” to “R-3” is across Route 910 from “R-2” zoned property and the Town Center Overlay District, but is not part of The Village at Pine development.

Mr. Gramc clarified that a portion is directly across from The Village at Pine and the Town Center District Overlay.

The road network plan was displayed and Mr. Victor pointed out the anticipated single access on Route 910 at the future Village at Pine traffic signal. He also pointed out the location of two accesses on Brown Road.

Mr. Avolio stated that he would not be in favor of rezoning to “R-3”, although he would not be opposed to rezoning of the 46 acres to “R-2”. He added his opinion that the indicated road plan was not viable, due to two stream crossings. Mr. Avolio stated that if he had been in attendance at the May Planning Commission meeting, he would have opposed the rezoning request.

Mr. Spagnolo pointed out that the majority of the proposed “R-3” property is located behind the Wexford Elementary School.

Mr. Victor clarified that 30 acres behind the school are currently zoned “R-3” and their submission would increase that by 17 acres, with ½ acre of that being property of West View Water Authority.

Mr. Spagnolo questioned impact to Brown Road and Mr. Anderson advised that would be reviewed by the Township’s traffic engineer, once land development was submitted.

Mr. Victor provided his opinion that upgrade to Brown Road would be required of the developer if the parcel was developed as a planned residential development.

Mr. William Jelinek, 160 Pineview Drive, expressed his concern with traffic.

Mr. James Rossmiller, 191 Spruce Haven Drive, expressed his confusion with the Planning Commission vote at the April meeting, stating his understanding that it was a negative vote, rather than a split vote. He added that Route 910 is being repaved between Route 19 and Pearce Mill Road and all run-off is directed into Pine Creek. He questioned if the Board has considered the downstream impact. Mr. Rossmiller stated there are already areas zoned for apartments and he did not understand the need to rezone for more.

Ms. Margaret Scanlon, 11066 Babcock Boulevard, stated her opinion that the rezoning is not in the best interest of the Township as it would result in the reduction of property values and aesthetics. She asked that the Board of Supervisors view the application negatively.

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HEURICH CONSTRUCTION REZONING REQUEST (Continued)

Ms. Gloria Schneider, 120 Pineview Drive, questioned Mr. Heurich's integrity, stating that stream crossings have been affected by roadway construction on the property and there are possibly underground fuel storage tanks.

Mr. Dennehy interrupted Ms. Schneider, stating that she was not addressing the issue at hand.

Mr. Robert Busted, 215 Pineview Drive, requested the Board's permission to ask that those residents in attendance who opposed the rezoning, stand to indicate so.

At this time, the majority of those in attendance stood.

Mr. Busted remarked that the Board of Supervisors has done a remarkable job retaining the natural beauty and open space in the Township. He questioned if the Township needed more "R-2" and "R-3" property and expressed his concern that the children at the Elementary School may be affected.

Mr. Rick Wittmer, 281 South Chapel Drive, questioned if there is intent for Route 910 to be a four lane roadway.

Mr. Dennehy explained that Route 910 is a State road and he was, therefore, unaware of long range plans for it.

Mr. Wittmer requested that buffer be provided to the South Chapel Drive residents if apartments would be constructed behind their residences.

Mr. Dennehy explained that consideration would be given at the time of land development review.

Mr. Victor pointed out to Mr. Wittmer that South Chapel Drive is currently zoned "R-3".

Ms. Cheryl Wist, 3001 West Grove Drive, stated that a consultant was retained, by the Township, for the purpose of establishing the zoning districts, and the Planning Commission and Board of Supervisors have continually been assaulted with requests to change it. She expressed her opinion that Township officials should not approve the rezoning request.

Mr. William Lowry, 120 Hill Drive, questioned how the rezoning approval would benefit the community.

Mr. Fred Baxter, West View Water Authority, stated that they had no position on the rezoning, although they would appreciate their property, shown within the parcel to be rezoned, be re-zoned from "non-conforming" to "essential service".

ADMINISTRATIVE MATTERS

HEURICH CONSTRUCTION REZONING REQUEST (Continued)

Mr. Gramc advised that “essential” facilities are permitted in all zones districts.

Mr. James Rossmiller, 191 Spruce Haven Drive, questioned if the Township has considered contacting North Park to see if they or another land trust would be interested in purchasing the property.

Mr. Gushard stated that the Allegheny County Department of Economic Development has been made aware of the rezoning request and had only several minor review comments.

Mr. Owen admonished Mr. Gramc for submission of the rezoning request, after receiving only a split vote from the Planning Commission. He cautioned him about doing so in the future.

Mr. Spagnolo remarked that he would rather the issue be tabled, to permit Mr. Henry to participate in the determination.

Motion was made by Mr. Spagnolo and seconded by Mr. Dennehy to table consideration of the Heurich Construction Application for Change in Zoning. The aye vote on the motion was unanimous. Motion carried.

LAKE MACLEOD

Mr. Tim Shipley, Shipley Brothers Development, requested to eliminate the mini-park behind Phase 2 in Lake MacLeod, as he is aware that a similar park became an issue due to its isolated location. He advised that the costs for that mini-park will be used to enhance the mini-park in Phase 1. He added that the Lake MacLeod residents are also requesting that the funds paid to the Township, in lieu of the trail, be refunded to relocate the mini-park to the east side of the parcel when Phase III is developed and to enhance the trail around the lake.

Mr. Spagnolo stated that although he would support the deletion of the mini-park in Phase 2, with enhancement of the Phase 1 mini-park, he would not support the Township refunding fees as he would not wish to set a precedent.

Mr. Owen requested that the recreation amenities be bonded, as he did not believe that Mr. Shipley would enhance the Phase 2 park.

Mr. Eric Ravotti, 573 MacLeod Drive, stated that the Lake MacLeod residents do have a common alliance, although there is no homeowners association yet and it was the residents who approached Mr. Shipley about both issues.

Mr. Owen stated that the residents of the Black Oak and Oak Park neighborhoods of Treesdale were threatened with arrest if found on Lake Macleod property. Mr. Owen stated that any trails in Lake MacLeod would be public and that is why Mr. Shipley did not want them.

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LAKE MACLEOD (Continued)

Mr. Ravotti stated that one section of trail has already been eliminated by previous action of the Board and funds have been set aside for the mini-park in Phase 2, which is requested to be eliminated. He noted that dollar values are set in the bonding statement.

Mr. Owen stated that he did not believe the funds will be used for the playground, but will be claimed by the developer. He stated that the public has some rights in that neighborhood.

Mr. Shipley stated that the trail segment was deleted several years ago. He added that he knew nothing about the letter sent to the Treesdale residents, as he had been in the hospital at that time.

Mr. Owen expressed his disbelief of that statement.

Mr. Spagnolo recalled that the referenced trail segment was deleted several years ago due to the steep slopes.

Mr. Shipley requested that the issue be tabled to next month to allow for a complete Board to be present for vote.

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to deny the request for a refund of fees paid to the Township in lieu of trail segment in Phase 1. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to designate that funds for the mini-park in Phase 2 be used for enhancements to the existing mini-park in Phase 1. As there was not consensus, a roll call vote was taken with Mr. Spagnolo voting aye, Mr. Holdcroft voting aye, Mr. Dennehy voting aye, and Mr. Owen abstaining. Motion carried.

ARMSTRONG CABLE

Mrs. Fischer addressed the Proposal to Perform Cable Franchise Renewal Services, submitted to the Armstrong Consortium by the Cohen Law Group, noting that costs would be \$3,555 for each of the four municipalities. She pointed out that the current contract was included in with the meeting packet for the Board's review. Mrs. Fischer questioned the Board's position on charging a franchise fee.

The Board clarified that there is no intent to pass a franchise fee onto Township residents.

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to accept the proposal of the Cohen Law Group to perform cable franchise renewal services with Armstrong Cable. The aye vote on the motion was unanimous. Motion carried.

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RESOLUTION 821

Mr. Anderson distributed the most recent reimbursement agreement with PennDOT and pointed out that the estimated Township's financial responsibility would be \$428,843.61. He noted that \$564,633.00 has been reserved for the improvements of sidewalk and traffic signal poles upgrade.

Motion was made by Mr. Owen and seconded by Mr. Spagnolo to enact Resolution 821, authorizing the execution of a reimbursement agreement with the Pennsylvania Department of Transportation, related to the improvement of a certain section of S.R. 0019, Wexford Flats, within the Township of Pine. The aye vote on the motion was unanimous. Motion carried.

RESOLUTION 822

Mr. Owen requested that the word "significantly" replace the word "radically" in the heading of Resolution 822.

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to enact Resolution 822, expressing opposition to House Bill 2431 (proposed legislation introduced in the general assembly of the Commonwealth of Pennsylvania, which would significantly alter the structure of local government). The aye vote on the motion was unanimous. Motion carried.

ALOM DINNER MEETING

Motion was made by Mr. Holdcroft and seconded by Mr. Spagnolo to authorize attendance at the ALOM dinner meeting on July 19, 2010 at the Wildwood Country Club. The aye vote on the motion was unanimous. Motion carried.

ANNUAL JOINT FALL CONFERENCE AT SEVEN SPRINGS

Motion was made by Mr. Holdcroft and seconded by Mr. Spagnolo to authorize attendance at the Annual Joint Fall Conference at Seven Springs from September 30 to October 3, 2010. The aye vote on the motion was unanimous. Motion carried.

IN COMMUNITY MAGAZINE

Mrs. Fischer addressed the proposal of In Community Magazine, explaining that the costs would be \$2,500 per quarter.

The Board agreed that they felt the Township newsletter sufficiently addresses the Township's announcement needs.

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REVIEW PROPOSED AGENDA FOR TUESDAY, JULY 6, 2010

The Board reviewed the following agenda for the Tuesday, July 6, 2010 meeting.

Unfinished Business

*Residential Solid Waste, Yard Waste & Recycling Collection, Disposal & Processing Contract*

*Pine Community Center Loan Refunding*

*Heurich Construction Rezoning Request – Tabled June 21, 2010*

New Business - None

ADJOURN

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

The meeting adjourned at 8:35 p.m.

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Recording Secretary

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Township Manager