

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

Monday, August 2, 2010

Township of Pine Municipal Building

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.

Members in attendance were: Michael J. Dennehy, Chair; Philip D. Henry, Vice-Chair; Edward J. Holdcroft; Edward J. Owen; and Frank J. Spagnolo. Also in attendance were: Gary J. Gushard, Solicitor; Cheryl N. Fischer, Township Manager; Scott D. Anderson, Assistant Manager; Jack Fasick, Director of Public Works; and Larry Kurpakus, Director of Code Administration and Land Development

There were approximately 40 visitors present.

### PLEDGE OF ALLEGIANCE

### CORRESPONDENCE TO BOARD OF SUPERVISORS

Mrs. Fischer reported that bid results for solid waste collection and landscaping were distributed that evening.

### PUBLIC COMMENT

Mr. Dennehy indicated his assumption that the residents in attendance were there to address the John George rezoning request. He expressed his intent to recess before addressing the subject to provide the residents an opportunity to appoint several spokespersons in an attempt to avoid redundancy. Mr. Dennehy noted that six residents had written their objections to the proposed rezoning and these would be entered into the record and, therefore, there was no need for those residents to repeat those specific objections.

Mr. Gushard offered to provide copies of the resident letters during the recess.

### APPROVAL OF MINUTES

Motion was made by Mr. Holdcroft and seconded by Mr. Owen to approve the minutes of the July 19, 2010 Board of Supervisors meeting. The aye vote on the motion was unanimous. Motion carried.

### FINANCIAL REPORT – June 2010

Motion was made by Mr. Owen and seconded by Mr. Spagnolo to accept the June 2010 Financial Statement and payment of bills listed thereon. The aye vote on the motion was unanimous. Motion carried.

UNFINISHED BUSINESS - None

NEW BUSINESS

JOHN GEORGE APPLICATION FOR REZONING – 181 Wexford-Bayne Road

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to open the Public Hearing requested by John George for rezoning of property located at 181 Wexford-Bayne Road. The aye vote on the motion was unanimous. Motion carried.

Mr. Kurpakus explained that John George is the owner of property at 171 Wexford-Bayne Road, which is located within the “C-1/TVO” district, and the submitted application is a request for change in the zoning district of property located at 181 Wexford-Bayne Road, for which he has a pending sales agreement. He noted that the affected parcel is currently zoned “R-3” and the request is to rezone it to “C-1/TVO”. Mr. Kurpakus advised that the current non-conforming use of Foster’s Antiques exists on the property and pre-dates the most current zoning. He added that the proposal is consistent with the Township comprehensive plan. Mr. Kurpakus reported that he consulted previous zoning maps and the 1983 zoning map shows the property was zoned “B-2”, Community Business, which is comparable to the current “C-1” zoning requirements. He concluded that the Environmental Advisory Council and the Planning Commission both unanimously recommended approval of the rezoning application.

Mr. Dennehy questioned resident attendance at the Planning Commission meetings at which the rezoning was reviewed and Mr. Kurpakus advised there were no residents in attendance.

Mr. Kurpakus advised that notices were sent to the immediate adjoining property owners, the subject property was posted, and the rezoning application was legally advertised.

Mr. Holdcroft questioned who typically receives adjoiner notification.

Mr. Kurpakus explained that adjoiner notification was sent to property owners immediately adjacent to the 181 Wexford-Bayne road property. Additionally, the Municipalities Planning Code requires that the property is posted and the application legally advertised, both which were accomplished.

Mr. Don Trant, Trant Corporation and representing John George, stated that the rezoning would be a logical extension of the traditional village overlay.

Mr. Owen questioned if Mr. George had ownership of the subject property and Mr. George explained that the purchase agreement is conditioned upon successful rezoning of the property.

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Mr. Gushard noted that Mr. George provided a copy of his sales agreement, which provides him with the legal authority to pursue the rezoning. He suggested, however, that the legal counsel for the subject estate provide additional documentation.

NEW BUSINESS

JOHN GEORGE APPLICATION FOR REZONING (Continued)

Mr. Spagnolo questioned Mr. George's intent for the property.

Mr. George advised that his wife has a dental practice at their building at 171 Wexford-Bayne Road. He expressed his desire to develop the property identically to that building to provide her with additional space. He noted there are three tenants at their existing building; a hair salon and two medical practices.

Mr. Holdcroft explained that Lloydmont Estate residents are concerned that rezoning of the property will be followed with other such requests for property on Route 910.

Mrs. Alexandra George pointed out that they had followed all Township rules and regulations when developing 171 Wexford-Bayne Road and would do so with this property.

Mr. Henry questioned how the property could be developed if it remained "R-3" and was advised that "R-3" permits apartments, townhomes, and patio homes.

Mr. Owen questioned the Planning Commission's review.

Mr. John Lombardo of the Planning Commission advised that it was reviewed at two meetings twice and was found reasonable and consistent with the comprehensive plan. He added that it appeared to have been overlooked when the last rezoning plan was prepared in 1990.

Mr. Mike Hansen of the Planning Commission agreed with Mr. Lombardo's statement.

Mrs. George stated that it would be beneficial to have a shared access and parking between the two properties and she did not believe that would have any impact to the Lloydmont Estates plan.

Motion was made by Mr. Spagnolo and seconded by Mr. Owen to call a ten-minute recess at 6:55 p.m. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Spagnolo and seconded by Mr. Owen to reconvene at 7:05 p.m. The aye vote on the motion was unanimous. Motion carried.

Mr. Gregory Kutschbach, 303 Nathan Court, introduced his wife Patricia and his son Timothy. He stated that half of their property adjoins the George's current property and he has had many issues

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with them such as lighting, noise, and the failure of buffer landscaping. He then expressed his concern with skateboarders and how the Lloydmont Estates properties' safety may be jeopardized by their presence. He added that he was forced to install fencing to keep his children and pets in the yard.

NEW BUSINESS

JOHN GEORGE APPLICATION FOR REZONING (Continued)

Mr. Dennehy explained that the Board was not reviewing a land development plan at that time.

Mr. Christopher Koch, 407 Potomac Court, referred to traffic counts for Route 910 and commercial vacancies and questioned the need to increase both. Mr. Koch expressed his concern that the owner of a nearby 80 acre parcel would follow suit and request that it be rezoned to commercial property. He then stated that he is president of the Lloydmont Estates homeowners association and felt that he should have been contacted initially about the rezoning application so that he could have provided that information to the residents.

Mr. Owen requested that the staff contact the homeowners associations in the future.

Ms. Judith McFarland, 201 Lloydmont Drive, questioned if it was legally permitted that Mr. George make application for the rezoning, as he was not yet the legal owner.

Mr. Gushard counseled that it was permissible by law. He noted that the attorney of the estate attended one of the Planning Commission meetings at which the application was reviewed.

Ms. McFarland stated that she did not receive correspondence or a telephone call from Mr. George, but her neighbors advised her that he had visited her property when she was not there, to which she took offense. She added concerns with the migratory patterns of birds and deer due to development and stated there should be buffers between where people live and where they work and shop.

Mr. Robert Zappa, 304 Nathan Court, added his concern with commercial development being integrated into residential development.

Ms. Karen Clark, 214 Lloydmont Drive, stated that she felt all the residents had the right to object to the rezoning request as they care about their neighborhood.

Mr. William Meisinger, 402 Potomac Court, remarked that rezoning of the property is the vehicle for allowing another use. He cautioned that the Board not lose sight of who will benefit and who will be negatively impacted by the rezoning. He specified that one party will benefit and a whole neighborhood will be impacted.

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Mrs. Denise Hertneky, 301 Nathan Court, suggested that the use remain residential with the opportunity for a home occupation.

Mr. Ted Blendermann, 404 Potomac Court, stated that after consulting the Township Code, he felt the application did not conform with rezoning guidelines.

NEW BUSINESS

JOHN GEORGE APPLICATION FOR REZONING (Continued)

Mr. Dennehy advised that Mr. Blenderman's e-mail, stating the same, had been entered into record.

Mrs. Christine Crankovic, 300 Nathan Court, provided a petition representing 99% of the Lloydmont Estates residents, urging denial of the rezoning application. She stated that they all live there, pay taxes, and should be respected.

Mr. Chris Hertneky, 301 Nathan Court, complained about seeing flags when driving through The Village. He stated that plazas and strip malls should not be permitted to hang them.

Mr. Glen Clark, 214 Lloydmont Drive, stated that it would benefit the residents to understand how the rezoning could affect them.

Mr. Mike Richey, 408 Potomac Court, questioned if buffer requirements would apply and Mr. Kurpakus confirmed that they would.

Mr. Holdcroft questioned if the Township staff was familiar with Mr. Kutschbach's complaints and Mr. Anderson expressed his belief that there have been no recent complaints. Mr. Holdcroft questioned Mr. Kutschbach if he had advised the Township that the buffer zone trees had died and he replied that he had not.

Mr. Owen questioned if that buffer would be addressed by the Planning Commission when they reviewed a future land development plan and Mr. Lombardo replied that they would.

Mrs. Lori Smith, 305 Nathan Court, stated that a corner of her property abuts the subject property. She pointed out that the Lloydmont neighborhood sits above the subject property and therefore even evergreens would not provide much buffer.

Motion was made by Mr. Owen and seconded by Mr. Holdcroft to close the Public Hearing to discuss the John George Rezoning Request. The aye vote on the motion was unanimous. Motion carried.

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Mr. Gushard counseled that Pennsylvania law requires that rezoning be accomplished by Board approval of an ordinance. He stated that if the Board authorized preparation of an ordinance, it would require review of the Allegheny County Department of Economic Development and the Township Environmental Advisory Council and the Planning Commission.

Mr. Owen pointed out that the Planning Commission unanimously recommended approval by the four members in attendance at the meeting. He recommended that the Board authorize preparation of the ordinance for the Planning Commission to review.

NEW BUSINESS

JOHN GEORGE APPLICATION FOR REZONING (Continued)

Motion was made by Mr. Owen and seconded by Mr. Spagnolo to authorize the Solicitor to prepare an ordinance rezoning 181 Wexford-Bayne Road from "R-3" to "C-1/TVO". The aye vote on the motion was unanimous. Motion carried.

Mr. Holdcroft advised that notification of the Planning Commission's review will be provided once the date is determined.

Mr. Owen asked that staff view the buffer zone behind 181 Wexford-Bayne Road and that Mr. George comply with Township recycling requirements, as he had been advised that Mr. George was not currently doing so.

HOUSE BILL 2431

Mr. Henry urged residents to contact their legislators to request defeat of Senate Bill 1357 and HB 2431, which would incorporate local governments into a county controlled agency.

RESIDENTIAL SOLID WASTE, YARD WASTE, RECYCLING COLLECTION

Mrs. Fischer reported that two bids were received for the Residential Solid Waste, Yard Waste, and Recycling Collection contract, with Vogel Disposal being the low bidder.

Mr. Spagnolo asked that staff remind Vogel Disposal that waste collection trucks may not begin pick-up until 6:00 a.m. and that proper separation of recyclable materials is mandatory.

Mr. Owen requested that the Township directly address Vogel Disposal when advised of residue blowing from a truck.

Motion was made by Mr. Owen and seconded by Mr. Holdcroft to award the Residential Solid Waste, Yard Waste and Recycling Collection and Disposal Contract No. 10-L01 to Vogel Disposal

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Service, Inc., pursuant to their August 2, 2010 bid, and subject to Marshall Township's award to Vogel. The aye vote on the motion was unanimous. Motion carried.

2010 ROAD PROGRAM LANDSCAPING CONTRACT 10-L01

Mrs. Fischer referred to the minutes of the bid opening for the 2010 Landscaping Contract and advised that two bids were received, with A. Liberoni, Inc. being the low bidder.

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to award the 2010 Road Program Landscaping Contract No. 10-L01 to A. Liberoni, Inc. in the amount of \$89,550.00. The aye vote on the motion was unanimous. Motion carried.

NEW BUSINESS

WEXFORD VOLUNTEER FIRE COMPANY

Motion was made by Mr. Holdcroft and seconded by Mr. Spagnolo to authorize the Wexford Volunteer Fire Company to participate in the McCandless Community Day parade on September 11, 2010. The aye vote on the motion was unanimous. Motion carried.

PINE COMMUNITY CENTER REFINANCING

Motion was made by Mr. Owen and seconded by Mr. Holdcroft to authorize the Chair to execute the ESB Bank commitment letter for Pine Community Center Loan Refunding. The aye vote on the motion was unanimous. Motion carried.

UNSOLICITED MATERIALS

Mrs. Fischer reported that a resident has requested that the Township consider regulating the delivery of unsolicited materials.

The Board requested that the staff investigate if other municipalities have such restrictions and that the resident be advised of that review.

ADJOURNMENT

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 8:05 p.m.

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Recording Secretary

Secretary