

MINUTES OF MEETING OF TOWNSHIP OF PINE BOARD OF SUPERVISORS

Monday, November 1, 2010

Township of Pine Community Center

Members in attendance were: Michael J. Dennehy, Chair; Philip D. Henry, Vice-Chair; 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; Jack Fasick, Director of Public Works; and Joni Patsko, Director of Parks and Recreation.

There were approximately fifteen visitors present.

PLEDGE OF ALLEGIANCE

CORRESPONDENCE TO BOARD OF SUPERVISORS

Mrs. Fischer reported there was no additional correspondence.

PUBLIC COMMENT

There were no requests to address the Board of Supervisors at this time.

WEXFORD VOLUNTEER FIRE COMPANY

Mr. Dennehy presented Richard Voll, Wexford Volunteer Fire Company, with the Township's annual contribution, this year in the amount of \$186,661.00.

Mr. Voll expressed the Fire Company's appreciation, stating that they could not perform their service without the Township's support.

APPROVAL OF MINUTES

Motion was made by Mr. Owen and seconded by Mr. Spagnolo to approve the minutes of the October 18, 2010 Board of Supervisors meeting. The aye vote on the motion was unanimous. Motion carried.

FINANCIAL STATEMENT

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

UNFINISHED BUSINESS

ORDINANCE 356

Motion was made by Mr. Owen and seconded by Mr. Spagnolo to open a Public Hearing to consider the proposed enactment of Ordinance 356. The aye vote on the motion was unanimous. Motion carried.

Mr. Gushard reported that Ordinance 356 will amend Chapter 84 of the Code, in regard to signage. He then highlighted the proposed revisions which have been recommended for approval by staff and the Planning Commission.

Motion was made by Mr. Spagnolo and seconded by Mr. Henry to close the Public Hearing for consideration of Ordinance 356. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Spagnolo and seconded by Mr. Owen to enact Ordinance 356, 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: Articles IV and VI thereof by modifying regulations concerning sandwich board signs (both with the Traditional Village Overlay Zoning District and elsewhere) and by modifying regulations concerning real estate signs (both for residential and non-residential properties) 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 357

Motion was made by Mr. Henry and seconded by Mr. Spagnolo to open a Public Hearing to consider Ordinance 357. The aye vote on the motion was unanimous. Motion carried.

Mr. Gushard explained that Ordinance 357 will rezone two parcels at 181 Wexford-Bayne Road from “R-3” to “C-1/TVO”.

Mr. Kurpakus reported that the five Planning Commission members, present at their September 13, 2010 meeting, recommended approval of the rezoning.

Mr. Dennehy questioned Planning Commission Vice-Chair, Michael Hanson who was in attendance, if he had any additional comment, which he did not.

Mr. Christopher Koch, 407 Potomac Court and President of the Lloydmont Estates Homeowner’s Association, questioned why the rezoning should be approved, as he believes it does not benefit Lloydmont Estates residents or any other Township residents.

UNFINISHED BUSINESS

ORDINANCE 357

Ms. Denise Hertneky, 301 Nathan Court, remarked that the Supervisors were elected to represent the residents. She stated that through the review process, it has become clear to the residents that the Board follows the Planning Commission recommendations. Ms. Hertneky stated that the Board should not provide a "rubber stamp", especially as she believed not one Planning Commission member even visited the site. She noted that the vacant property was never advertised for sale and was sold by a non-resident to a developer. Ms. Hertneky stated that the residents should be supported through development of the property, rather than the developer.

Mr. Greg Kutschbach, 303 Nathan Court, stated that his property is directly behind the Georges' parcel. He questioned why a traffic study was not performed.

Mr. Spagnolo explained that review of a land development plan, when presented at a future date, may require a traffic study.

Mr. Owen informed that three Supervisors had visited the subject property. He then questioned if Mr. Kutschbach has met recently with the Georges on his issues.

Mr. Kutschbach stated that he has not yet attempted to contact the Georges. Mr. Kutschbach expressed his concern with sound, which became a bigger issue when the slope was modified during development of their existing property. He clarified that buffer trees died and now his deck view is of Route 910. Mr. Kutschbach expressed his belief that the tree roots were damaged during grading.

Mr. Owen stated that when the Georges submit a land development plan for the subject property, he will require that Mr. Kutschbach's issues are addressed.

Mr. Kutschbach pointed out that if the rezoning is approved, he could then use the same argument for his property, as it would be adjoining a commercial property. He asked that the Board stop the encroachment of commercial zoning at this point.

Mr. Anthony Crankovic, 300 Nathan Court, remarked that his home is a huge investment and he feels the system is backwards, rezoning before a land development plan is approved. Mr. Crankovic pointed out that the topography of the subject property should discourage the development, as it has a huge hill and a huge wall and in order to get a level parking lot, it will need to be pushed back to the residential neighborhood.

Ms. Laurie Smith, 305 Nathan Court, advised that she is one of the four homeowners whose property directly borders the Georges' property. She noted that due to development of the Georges'

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existing development, her view from her glass-enclosed patio is of their parking lot. She expressed her wish that the four adjacent properties will be taken into consideration.

UNFINISHED BUSINESS

ORDINANCE 357 (Continued)

Mr. Dennehy assured that neighboring properties will be considered during the land development plan review.

Mr. Glen Clark, 214 Lloydmont Drive, expressed his opinion that the Lloydmont residents were not sufficiently informed of the rezoning application.

Mr. Owen explained that the Municipalities Planning Code requires advertisement be achieved through a legal notice in a designated publication. He added that the second meeting was also legally advertised and additional notices were sent to Lloydmont residents, although that was not required.

Attorney Daniel Gramc, Goehring Rutter Boehm, advised that he was representing the property owner of 181 Wexford-Bayne Road, Inger Lemmens. He noted that the property was formerly zoned commercial and a commercial enterprise operated in that residence for many years. Mr. Gramc also noted that the use had been retail and restoration and, therefore, many less desirable business activities could operate there, as opposed to offices, as it remains a non-conforming use. He reiterated that any land development plan must be approved by the Planning Commission and the Board and the Georges do understand the approval process.

Mrs. Smith stated that approving the rezoning is a “gate” opening to unknown uses.

Motion was made by Mr. Spagnolo and seconded by Mr. Henry to close the Public Hearing. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Henry and seconded by Mr. Spagnolo to enact Ordinance 357, amending Chapter 84, Article 1, Section 84-6 of the Code of the Township of Pine (which contains the zoning map of the Township of Pine), so as to rezone two certain parcels of land (owned by Inger A. Lemmens) located at 181 Wexford-Bayne Road in the Township of Pine, from “R-3” (“Neighborhood Resident District”) to “C-1/TVO” (Community Service Center and Traditional Village Overlay District”) and providing for severability and for the repeal of all prior inconsistent ordinances. The aye vote on the motion was unanimous. Motion carried.

2011 BUDGET

Mr. Dennehy made specific recommendations for transfer of the 2010 General Fund Balance in the following amounts: \$2,000,000 to the Capital Reserve fund for Community Center Reserve, \$920,000 to repay principal on ESB Series B Loan (Years 2031 and 2031 principal payments),

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\$1,000,000 to the Capital Reserve Fund for Pedestrian Improvements Reserve, \$1,000,000 to the Capital Reserve Fund for Purchase of Park Land Reserve, and \$580,000 to the Capital Reserve Fund for Road Improvements Reserve.

2011 BUDGET (Continued)

Motion was made by Mr. Owen and seconded by Mr. Spagnolo to authorize advertisement of the 2011 Operating Budget for public view after incorporation of recommended transfers. The aye vote on the motion was unanimous. Motion carried.

NEW BUSINESS

RESOLUTION 825

Mr. Gushard explained that Resolution 825 will accept North Park Manor public rights-of-way, subject to review and approval of the engineer and subject to posting of maintenance security in the amount of \$61,000. He added that, typically, maintenance security is by bond, letter of credit, or cash, but the developer has requested that the Township instead be provided with a first mortgage position for the remaining five vacant lots. Mr. Gushard recalled this was previously permitted for North Way Christian Church. Mr. Gushard noted that Mr. Spagnolo would not participate in the discussion, due to his relationship with Manor Development.

Motion was made by Mr. Owen and seconded by Mr. Henry to enact Resolution 825, conditionally accepting the dedication of the public rights-of-way within the North Park Manor No. 4 Plan of Lots and to be known as "Wynfield Court" (two rights-of-way areas) and "Wynstone Drive", as parts of the public road system of the Township of Pine and to accept first mortgage on the remaining five lots as maintenance security. As there was not consensus on the vote, a roll call vote was taken with Mr. Henry voting aye, Mr. Dennehy voting aye, Mr. Owen voting aye, and Mr. Spagnolo abstaining. Motion carried.

RESOLUTION 826

Mr. Anderson explained that Resolution 826 will authorize the filing of an application to the Redevelopment Authority of Allegheny County for a \$250,000 grant. He clarified that funds are available through the Community Infrastructure and Tourism Fund and, if received, will be used for the North Chapel Pedestrian Improvements.

Motion was made by Mr. Henry and seconded by Mr. Owen to enact Resolution 826. The aye vote on the motion was unanimous. Motion carried.

2011 NORTHERN TIER REGIONAL POLICE BUDGET

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Mrs. Fischer noted that the proposed 2011 Northern Regional Police Budget was approved by the Joint Police Board with changes for health care costs and salary and the appropriate employer taxes.

Motion was made by Mr. Owen and seconded by Mr. Spagnolo to approve the 2011 Northern Regional Police Budget. The aye vote on the motion was unanimous. Motion carried.

RESOLUTION 827

Mrs. Fischer explained that Resolution 827 authorizes necessary 2010 General Fund Budget transfers, in the amount of \$147,237.

Motion was made by Mr. Henry and seconded by Mr. Spagnolo to enact Resolution 827, authorizing supplemental appropriations and transfers of funds for fiscal year 2010, pursuant to applicable law, and providing for the repeal of all prior inconsistent resolution. The aye vote on the motion was unanimous. Motion carried.

PINE-RICHLAND HIGH SCHOOL EXPANSION

Mr. Spagnolo advised that a contractor contacted him, looking for an area to place excavated “fill” from the high school expansion project. Mr. Spagnolo suggested the Township apply for a NPDES permit to place the “fill” on the White and Vacco properties.

Mr. Anderson confirmed that “fill” may be needed on that property, although an ongoing study of that property has not been completed.

The Board agreed to proceed with the design of the White and Vacco properties and accept fill as needed.

ADJOURNMENT

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

The meeting adjourned at 7:30 p.m.

Recording Secretary

Secretary