

MINUTES OF MEETING OF TOWNSHIP OF PINE BOARD OF SUPERVISORS

Monday, May 18, 2015

Pine Community Center

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Members in attendance were: Michael J. Dennehy, Chair; Phil Henry, Vice-Chair; Pat D. Avolio, Edward J. Holdcroft, and Frank J. Spagnolo. Also in attendance were: Gary Gushard, Tucker Arensberg, P.C., Solicitor; Scott Anderson, Township Manager; Amy Pampiks, Administrative Operations & Human Resources Manager; Joni Patsko, Director of Parks and Recreation; Larry Kurpakus, Director of Land Development and Code Enforcement; Tony Barbarino, Director of Public Works; Jan Kowalski, Financial Administrator & Business Tax Collector; Robert Firek, Lennon Smith Souleret Engineering; Chief T. Robert Amann, Northern Regional Police Department; and Diane Illis, Northern Tier Library Board.

There were 3 visitors present.

CORRESPONDENCE

Mr. Anderson reported there is no additional correspondence.

PUBLIC COMMENT

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

COMMITTEES

PARKS AND RECREATION COMMISSION

Ms. Patsko, Director of Parks & Recreation, stated that the new playground equipment is installed and there was a grand opening event with hot dogs and snow cones. A DCNR Grant funded part of the playground renovation.

FRIENDS OF PINE

Ms. Patsko reported that work has begun on Community Day, July 18, 2015 and the Friends of Pine Golf Outing fundraiser on August 20, 2015.

INTERGOVERNMENTAL AGENCIES

Northern Tier Regional Library

Ms. Illis reported on the circulation statistics and highlighted the library's new technology classes which range from using a tablet, downloading books, using a smartphone, understanding Windows 8 and more.

North Hills COG

Mr. Spagnolo had no report on the North Hills Council of Governments.

Mr. Henry reported that graduation is June 12, 2015 with baccalaureate on June 11, 2015. He also reported that the high school is hosting an academic award festival.

PUBLIC SAFETY

Joint Police Board

In addition to his written report, Chief Amman stated that the "Click It or Ticket" buckle up program is in effect and officers are ticketing for seat belt violations.

Fire Marshal

Mr. Dennehy acknowledged the written report.

Wexford Volunteer Fire Company

Mr. Voll highlighted the written report for the Wexford Volunteer Fire Company. In addition, he stated that the Wexford Volunteer Fire Company assisted a crane truck that got stuck when it pulled off the road on Route 910 to let cars go by. It took 3 hours to free the truck interfering with traffic.

REPORT OF THE SOLICITOR

Mr. Gushard stated that all but five residents of Baur Drive paid in full for their sewer line connection. Five residents are on the payment plan and have all made at least one payment. A lien has been placed on the properties that did not pay in full.

COMMUNITY DEVELOPMENT UPDATE

Developments before the Planning Commission

EMERALD FIELD

Mr. Kurpakus reported that Pine Development Company received tentative approval with conditions for a 5 phase, 201 lot Planned Residential Development on 276 acres along Mt. Pleasant Road on March 18, 2013. Phase 3 of the plan includes 49 lots and construction of the Franklin Road access, turning lanes and the installation of a traffic signal at Warrendale and Wallace Roads. The application is for final approval of Phase 3 only. There are minor outstanding items on the LSSE review letter dated May 4, 2015, and minor outstanding items on the HRG review letter dated May 1, 2015.

Motion was made by Mr. Spagnolo and seconded by Mr. Henry to grant final approval of the Emerald Fields Phase 3 P.R.D. Development Drawings Cover, EX-1, RP-1, RP-2, RP-3, RP-4, LD-1, CP-1, CP-2, CP-3, CP-4, CP-5, CP-6, CP-7, CP-8, CP-9 and LP-1 dated April 16, 2015 and prepared by Gibson-Thomas Engineering with the following conditions:

1. Compliance with the LSSE review letter dated May 4, 2015.
2. Preparation of a standard Township Developer's Agreement.
3. Compliance with the tentative approval dated March 18, 2013.
4. Compliance with the HRG review letter dated May 1, 2015.
5. Subject to the issuance of the PennDOT HOP

The aye vote on the motion was unanimous. Motion carried.

DEWEY PROPERTY

Mr. Kurpakus reported that Ryan and Elissa Dewey are requesting the Township allow a 57 acre un-developed parcel located at 2050 Old State Road to be included as an Agricultural Security Area in the Township of Pine. The parcel is located in the E-1 zoning district which includes agriculture as a use by right.

Mr. Kurpakus stated that a vote could not take place because a resolution is needed for approval of this modification and will be placed on a future agenda.

VINARSKI PRELIMINARY AND FINAL PRD MODIFICATION

Mr. Kurpakus reported that the purpose of the application is to subdivide Lot 116R in the Lake Macleod Plan into 2 separate parcels. Lot 116R was previously created by consolidating a portion of Lot 117 by subdivision approval on November 15, 2004. The proposed lots conform to the tentative approval for the Lake Macleod Development. There are minor outstanding items on the LSSE review letter dated May 1, 2015.

Mr. Kurpakus stated that the Planning Commission recommended the application be denied and Mr. Vinarski withdrew his application, therefore, no action is needed.

ENGINEER'S REPORT

Mr. Firek highlighted his written report.

PUBLIC WORKS REPORT

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

ADMINISTRATIVE MATTERS

MINUTES

Motion was made by Mr. Henry and seconded by Mr. Avolio to approve the Board of Supervisors minutes of May 4, 2015. The aye vote on the motion was unanimous. Motion carried.

FINANCIAL STATEMENTS

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

SPIRIT OF PINE – Conditional Use Hearing Continuation

Mr. Gushard stated that the public hearing to consider FWH Development, LLC's request for conditional use approval related to residential development of 37.8 acres in a B-1/R-2 Zoning District in the Township of Pine was continued from the May 4, 2015 Board meeting to let the developer address outstanding issues. Mr. Gushard explained that there will be two actions; the first will be on the conditional use requirements and the second will be on the subdivision request.

Motion was made by Mr. Avolio and seconded by Mr. Holdcroft to continue the Conditional Use Hearing from the May 4, 2015 Board meeting to consider FWH Development, LLC's request for conditional use approval related to residential development of 37.8 acres in a B-1/R-2 Zoning District in the Township of Pine, Wexford, PA 15090. The aye vote on the motion was unanimous. Motion carried.

Mr. Kurpakus reported that FWH Development, LLC is proposing to develop 5 single family lots and 58 new townhome units on 37.8 acres in the B-1/R-2 Zoning District. The single family lots will be accessed from an extension of English Farm Drive and the construction of a new cul-de-sac. The townhomes will be accessed from a new residential street connection on Graham and Wallace Roads. Stormwater management, landscaping and pedestrian improvements are included with the plan. Mr. Kurpakus further summarized the conditional use criteria for townhomes in the B-1 zoning district.

Mr. Kurpakus stated that the Planning Commission recommended conditional use approval for the Spirit at Pine with the following conditions:

1. Developer to utilize the required mitigation trees to enhance the visual landscaping bufferyards along the Penn Power right-of-way utilizing 30 foot buffer planting requirements.

Mr. Avolio suggested that a condition be added to prohibit business use on the B-1 zoned property since townhomes are proposed.

Mr. Gushard stated that any plans for a restricted covenant would require a separate document be recorded.

Mr. Dennehy questioned if a restriction can be added in the developers agreement.

Mr. Gushard stated he believes that a condition on reducing business use on the property should be documented in more than one location.

Mr. Holdcroft questioned if the amount of buffering between the developing property and Mr. Kunsak's business is sufficient.

Chris Wulff of Larson Design Group, the applicant engineer, stated that there are a limited number of units near his property with plenty of trees in that area.

Mr. Holdcroft requested that the buffer include as many trees as possible.

Mr. Avolio suggested an appropriate mix of evergreens in the buffer up to Mr. Kunsak's property.

Mr. Gushard suggested a motion to close the Conditional Use Hearing.

Motion was made by Mr. Spagnolo and seconded by Mr. Avolio to close the Conditional Use Hearing. The aye vote on the motion was unanimous. Motion Carried.

Motion was made by Mr. Spagnolo and seconded by Mr. Henry to grant conditional Use approval for the Spirit of Pine with the following conditions:

1. Compliance with the Planning Commission recommendation of May 11, 2015.
2. Business use restricted in the B-1 zone property through deed disclosure and recording with the restrictive covenants
3. Buffer planting along the Kunzak property to incorporate evergreens.

The aye vote on the motion was unanimous. Motion Carried.

Mr. Kurpakus reported that the Planning Commission recommends approval of the following waiver requests:

1. Allow 2:1 slopes with justification that the disturbance will be limited in area and the request is supported by the submitted geotechnical report.
2. Wallace Road with justification that an existing mixed use trail is constructed along Graham Road and the existing topography along Wallace Road is prohibitive.
3. Allow grading within 50 feet of a wetland with justification that the disturbance will be limited in area and required for construction of the stormwater management system.

Mr. Kurpakus reported that the Planning Commission took no action on the blasting waiver request.

Mr. Kurpakus reported that the Planning Commission recommends granting preliminary and final approval of the Spirit at Pine Land Development with the following conditions:

1. Compliance with the LSSE review letter dated May 11, 2015.
2. Compliance with the HRG review letter dated April 30, 2015.
3. Compliance with EAC recommendation with enhanced buffer planting to screen the Penn Power right-of-way.
4. Compliance with the Parks and Recreation recommendation.
5. Compliance with all conditions of the Conditional Use approval request.
6. Developer to provide a 40' conservation easement on the recording plan for lots 3, 4, and 5 and provide enhanced buffer planting along properties adjoining Montgomery Drive and Twin Oaks Drive with grandfathering of an existing structure.
7. Preparation of a standard Township Developer's Agreement.

Mr. Avolio questioned if there is any requirement to construct a connection to Montgomery Drive. Mr. Kurpakus stated that subdivisions with 50 units or more require two entrances and that the addition of the proposed lots does not exceed this requirement on English Farms Drive.

Mr. Avolio stated that he is not in favor of the rainwater tanks. In his opinion, the tanks would not be aesthetically pleasing and it presents the issue of who would maintain and clean out the tanks. He added that a 25-foot right-of-way along Montgomery Drive should be included for future planning purposes. Mr. Avolio also stated that the external materials for the townhouses need to include more colors and texture.

Mr. Spagnolo stated that he is not in favor of blasting.

Mr. Gushard stated that in his opinion the fact that the Planning Commission did not make a motion on blasting indicates that they do not support blasting either. Mr. Gushard added that there is wording in the Township Ordinance's state that blasting may only be used where conventional means of excavation cannot be accomplished and the approval of the Board of Supervisors has been obtained. He concluded that a waiver for blasting would have to be added.

Fred Hespenheide of FWH Development, LLC, the applicant, stated that he understands concerns but blasting has advanced and is much safer now. He added that he would rather have the neighbors endure one week of blasting compared to 6-8 weeks of the noise with a hammer drill.

Mr. Spagnolo explained that even with advancements, blasting has flaws. He does not feel the Township should take chances with blasting in the community.

Mr. Avolio questioned why a waiver is required for blasting.

Mr. Kurpakus stated that the minimum set back from public streets is not met and would require a waiver of the specified code requirement.

Mr. Hespenheide stated that it is his understanding that all neighbors would have to be notified and required to sign off on any blasting.

Mr. Holdcroft asked if all wells will be tested prior to construction.

Mr. Anderson stated that testing of all wells would be required and detailed in the developer's agreement.

Mr. Gushard summarized additional conditions discussed to be added to the preliminary and final approval of the Spirit of Pine subdivision.

Motion was made by Mr. Spagnolo and seconded by Mr. Avolio to grant approval of waiver of Section 84-124 to allow 2:1 slopes with justification that the disturbance will be limited in area and the request is supported by the submitted geotechnical report. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Avolio and seconded by Mr. Holdcroft to grant approval of waiver of Section 84-120 to allow a fee in lieu of construction for sidewalk along the entire length of Graham Road and for partial frontage of Wallace Road with justification that an existing mixed use trail is constructed along Graham Road and the existing topography along Wallace Road is prohibitive. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Spagnolo and seconded by Mr. Henry to grant approval of waiver of Section 84-26 to allow grading within 50 feet of a wetland with justification that the disturbance will be limited in area and required for construction of the stormwater management system. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Spagnolo and seconded by Mr. Avolio to grant preliminary and final approval of the Spirit at Pine Land Development plan drawings C-000, SD-100, SD-101, SD-102, SD-103, C-100, C-101, C-102, C-200, C-201, C-202, C-300, C-301, C-302, C-303, C-304, C-400, C-401, C-402, C-403, C-404, C-500, C-501, C-502, C-503, C-700, C-701, C-702, C-703, C-800, C-801, C-802, C-803, C-804 and C-805 dated February 12, 2015 and revised April 29, 2015 and EAC-1, EAC-2, EAC-3 and EAC-4 dated September 23, 2014 and revised May 1, 2015 and prepared by Larson Design Group with the following conditions:

1. All conditions of the Planning Commission's recommendations dated May 11, 2015.
2. Dedication of 25' of road right-of-way from center line & an additional 10' utility and pedestrian easement along Wallace and Graham roads.
3. Stormwater tanks at English Drive to be re-engineered for traditional storm detention.
4. Grading easement at Montgomery Drive to be included on the recording plan for future connection.
5. Townhomes to be reviewed by staff to insure varied colors, finishes, and elevation.

The aye vote on the motion was unanimous. Motion Carried.

LETTER OF SUPPORT TO ALLEGHENY HEALTH NETWORK FOR GRANT FUNDING

Mr. Anderson stated that last Friday, May 15, 2015 he received an inquiry from Allegheny Health Network requesting a letter of support for a new project.

Mr. Gushard stated that he did not like the wording of the sample letter included in the Board packet.

Mr. Avolio stated that he believes support is needed from the Township, however, there are concerns about the possible obligations imposed with that support. Further information is needed.

Mr. Gushard said that Mr. Anderson receiving this on Friday, May 15, 2015 before the meeting Monday, May 18, 2015 appears last minute and suggested that more information is needed to before making a decision.

Mr. Avolio suggested that Mr. Anderson contact Mike Turzai's office.

Mr. Anderson stated that he spoke with Mr. Turzai's office and they are not aware of the project. Mr. Anderson suggested that no action be taken at this time and he would relay that the Board generally supports the development but needs additional information.

2015 ROADWAY & STORM SEWER IMPROVEMENTS CONTRACT

Mr. Anderson gave an overview of bids received for the 2015 Roadway & Storm Sewer Improvements Contract. He stated that Shields Asphalt Paving, Inc. is low bidder with the base bid amount of \$1,465,000 and the recommendation is to include add alternates 1, 2, 3, 6, 7, 8, and 9.

Mr. Spagnolo questioned the English Road section that fronts English Farms being included in the base bid.

Mr. Anderson stated that the base bid without English Road would reduce the base bid cost and the total with alternates bid would be slightly under budget.

Motion was made by Mr. Spagnolo and seconded by Mr. Avolio to award the 2015 Roadway & Storm Sewer Improvements Contract to Shields Asphalt Paving, Inc. with the base bid amount of \$1,465,000 deducting English Road and including add alternates 1, 2, 3, 6, 7, 8, and 9. The aye vote on the motion was unanimous. Motion Carried.

TRAFFIC SIGNAL IMPROVEMENTS AT BABCOCK BLVD. & RT. 910

Mr. Anderson reviewed the bids received for traffic signal improvements for the Babcock Boulevard and Route 910 intersection. He stated that Traffic Control & Engineering Co. is the low bidder with the bid amount of \$262,477.14

Motion was made by Mr. Spagnolo and seconded by Mr. Avolio to award the Traffic Signal Improvements for the Babcock Boulevard and Route 910 traffic signal to Traffic Control & Engineering Co. with the bid amount of \$262,477.14. The aye vote on the motion was unanimous. Motion Carried.

JUNE 1, 2015 BOARD MEETING

Motion was made by Mr. Spagnolo and seconded by Mr. Henry to cancel the June 1, 2015 meeting due to lack of agenda items. The aye vote on the motion was unanimous. Motion Carried.

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 7:30 p.m.



Recording Secretary



Township Manager