

MINUTES OF MEETING OF TOWNSHIP OF PINE BOARD OF SUPERVISORS

Monday, December 7, 2015

Pine Community Center

REGULAR MEETING

ROLL CALL

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

Board members in attendance were: Michael J. Dennehy, Chair; Phil Henry, Vice Chair, Pat Avolio, Ed Holdcroft, and Frank J. Spagnolo. Also in attendance were: Gary J. Gushard, Solicitor; Scott D. Anderson, Township Manager; Amy Pampiks, Administrative Operations and Human Resources Manager; Larry Kurpakus, Director of Land Development and Code Enforcement; Joni Patsko, Director of Parks and Recreation; Tony Barbarino, Director of Public Works; and Jan Kowalski, Financial Administrator and Business Tax Collector.

There were 16 visitors present.

PLEDGE OF ALLEGIANCE

CORRESPONDENCE TO BOARD OF SUPERVISORS

Mr. Anderson stated there was no additional correspondence.

PUBLIC COMMENT

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

APPROVAL OF MINUTES

Motion was made by Mr. Spagnolo and seconded by Mr. Avolio to approve the minutes of the November 16, 2015 Board of Supervisors meeting. The aye vote on the motion was unanimous with the exception of Mr. Holdcroft who abstained due to his absence at that meeting. Motion carried.

UNFINISHED BUSINESS

BROOKFIELD ESTATES CONDITIONAL USE HEARING CONTINUATION

David Montgomery, Esq., attorney representing Eddy Homes and Jon Moritz of Eddy Land Company asked to address the Board with additional testimony.

Mr. Dennehy inquired if testimony was new information.

Mr. Gushard, Solicitor for the Township, asked them to address the submission of subdivision approval for a Carriage Home Development in lieu of the Patio Home Development.

Mr. Kurpakus added that two separate conditional use narratives as well as preliminary site plans for Patio Home Development and for Carriage Home Development for Brookfield Estates were included in the packet.

Mr. Dennehy stated that in his opinion the Board has heard everything relevant to the Conditional Use Hearing and he would like to close the hearing.

TOWNSHIP OF PINE BOARD OF SUPERVISORS
MINUTES OF BUSINESS MEETING

December 7, 2015

Page 2

Mr. Montgomery stated that they had additional recommendations that were not addressed at the November 16, 2015 meeting.

Mr. Dennehy emphasized that at this point in the hearing only new information can be submitted. If he has further details concerning the actual subdivision itself, that information can be heard after the close of the Public Hearing on the conditional use.

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.

Mr. Montgomery stated that Eddy Land Company presented a plan for Brookfield Estates Subdivision a Patio Home Development to the Planning Commission in October. The Planning Commission voiced many concerns and recommended denial of the subdivision plan to the Board of Supervisors. He continued stating that a new proposal with modifications was presented to the Board of Supervisors and many new concerns have been addressed as well, demonstrating compliance with the patio home concept.

One of the concerns addressed was the entrance road location to Brookfield Estates, which was relocated per the Township's suggested location.

Mr. Anderson clarified that the relocation of the entrance road is not the Township's suggested location. The Township's suggestion avoided all encroachment into the wetland setbacks.

Mr. Montgomery called on John Schleicher for rebuttal. Mr. Schleicher stated that the new location of the road is an approximation of the Township's suggested location.

Mr. Montgomery pointed out section 84-74 of the code outlines the conditional use criteria for a patio home development which prohibits garage doors facing the street.

Jon Moritz of Eddy Land Development explained that they are agreeable to pursuing either a Patio Home or Carriage Home Development. Both types have very similar conditional use criteria with the exception that carriage homes allow garage doors to face the street and do not have individual size or setback requirements.

Mr. Moritz stated that in his opinion a patio home development will attract a different market than a carriage home development. He continued that the topography only allows for rear entry garages which means entrance and exit will be through the basement, therefore steps will be required. The concept of a patio home is first floor living with no steps. Due to non-compliance and topography issues building carriage homes is the only other option.

Mr. Montgomery stated that topography and non-compliance issues should be considered a hardship and because of the hardship adjustments should be permitted. Mr. Spagnolo responded that there are things the developer can do to ease the issues without defining them as hardships.

Mr. Moritz stated that in his opinion Patio homes with rear entrances requiring steps will not sell in this area that is why revised plans were submitted for a carriage home development.

Mr. Dennehy stated that submitting site plans for a carriage home development will require starting the process over and presenting information to the Planning Commission first.

Mr. Montgomery stated that Eddy Land Company has demonstrated compliance with the Patio Home concept and asked that due to hardship the Board consider giving approval for a carriage home development tonight.

Mr. Gushard stated that certain procedures must be followed; the Township has not advertised for a carriage home development nor has the Planning Commission received any of this information for review and input. Therefore we cannot vote on the recommendation for a Carriage Home Development tonight.

Mr. Gushard stated that the Board needs to decide if the conditional use requirements have been met and make a motion. If the conditional use requirements have not been met the Brookfield Estates Subdivision Plan should be denied.

Motion was made by Mr. Avolio and seconded by Mr. Spagnolo to deny Conditional Use Approval of the Brookfield Estates Patio Home Development since it does not comply with the following Code provisions:

1. Section 84-137 C (2) (e): The proposed use requires disturbance within 50' of a wetland.
2. Section 84-137 C (2) (e): The proposed use requires 2:1 slopes to develop the site.
3. Section 84-137 C (2) (j): The proposed use is not in compliance with Article V of Chapter 84 of the Township Code including proposing garage doors facing the street.

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

BROOKFIELD ESTATES SUBDIVISION PLAN

Motion was made by Mr. Spagnolo and seconded by Mr. Avolio to deny the Brookfield Estates Subdivision Plan. The aye vote on the motion was unanimous. Motion carried.

FINANCIAL AND ADMINISTRATIVE SUPPORT AGREEMENT

Motion was made by Mr. Avolio and seconded by Mr. Henry to authorize the Board Chairman to sign the Township of Pine and Wexford Volunteer Fire Company Financial and Administrative Support Agreement. The aye vote on the motion was unanimous. Motion carried.

NEW BUSINESS

PUBLIC HEARING REGARDING SUNSET RIDGE P.R.D

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

Mr. Kurpakus reported that Riviera Land Partners, L.P. is requesting tentative approval for a Planned Residential Development (P.R.D.) located along Pearce Mill Road within the S-1 and R-2 zoning districts on parcel numbers 2001-G-1. He stated that the Planning Commission recommended the Board of Supervisors approve a waiver of section 48-16 to allow 2:1 slopes as shown on the submitted drawings to limit disturbance to existing woodlands with condition that additional mitigation trees be planted on the slope per the woodland replacement requirements of the code and grant tentative approval of the Sunset Ridge P.R.D. with eight (8) conditions.

Mr. Gushard asked the applicant, Marty Gillespie of Riviera Land Partners, L.P., if he was in agreement with the eight (8) conditions in the Developer's Agreement. Mr. Gillespie stated that Riviera Land Partners, L.P. is in agreement with the eight (8) conditions.

Mr. Spagnolo questioned ownership and buffer concerns with 2 specific parcels. Mr. Gillespie replied that one of the parcels is owned by St. Andrew the Apostle Byzantine Catholic Church and one is owned by John Morelli. He continued that they have been working with Mr. Morelli and purchased a portion of his property for additional buffer, as well as the proposed waiver for 2:1 slopes to limit disturbance of existing woodlands with the condition that additional trees be planted.

TOWNSHIP OF PINE BOARD OF SUPERVISORS
MINUTES OF BUSINESS MEETING

December 7, 2015

Page 4

Mr. Gushard stated that Planning Commission recommended to grant that waiver with the condition of planting of additional landscape trees. Mr. Gillespie stated that there is a landscape proposal in the packet that addresses that issue.

Mr. Spagnolo stated that he received a call from a resident who was concerned about the lake between Mr. Kwiatkowski's property and Logan Road. Mr. Gillespie stated that they are working with DEP and assure that they are taking all steps necessary to make sure that does not happen.

Phil Henry inquired who the builder was for the development and what the price range of the homes would be. Mr. Gillespie stated that Infinity Custom Homes is the builder and the homes will sell for \$600,000 - \$900,000.

Mr. Spanolo asked if the sewer line continues to the Morelli property line. Mr. Gillespie stated that they are allowing a 50' grading easement and a 20' sewer easement for future installment of the line. Mr. Avolio advised that the dedicated right of way be denoted in the plans.

Mr. Avolio also stated that grading along Pearce Mill Road for site distance has been indicated and recommended that it be shown appropriately in the plans.

Mr. Kwiatkowski of 540 Pearce Mill Road questioned if the slope on the cul-de-sac is encroaching on his property. Mr. Gillespie confirmed that it will not infringe on his property.

Mr. Spagnolo questioned what type of entrance markers were being considered, stating he was concerned with something too large may restrict vehicle sight availability. Mr. Gillespie responded there will be a low marker on the side as vehicles enter; nothing will interfere with the required vehicle sight distance.

Mr. Gushard stated that he will prepare the Findings of Fact for possible tentative approval of the Sunset Ridge P.R.D. for the January 4, 2016 Board meeting

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

PINE-MARSHALL-BRADFORD WOODS-RICHLAND POLICE AGREEMENT

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to approve the Pine-Marshall-Bradford Woods-Richland Police Agreement and authorization for the Board Chairman to execute on behalf of the Board. The aye vote on the motion was unanimous. Motion carried.

Mr. Gushard explained that changes to agreements require an ordinance, therefore we will see an ordinance in the future on this agreement.

RESOLUTION 927

Motion was made by Mr. Spagnolo and seconded by Mr. Avolio to adopt Resolution 927 setting the tax rate on all real estate property within the Township of Pine subject to taxation for the fiscal year 2016. The aye vote on the motion was unanimous. Motion carried.

RESOLUTION 928

Motion was made by Mr. Henry and seconded by Mr. Spagnolo to adopt Resolution 928 appropriating specific sums estimated to be required for the specific purpose of the municipal government during the year of 2016. The aye vote on the motion was unanimous. Motion carried.

RESOLUTION 929

Motion was made by Mr. Spagnolo and seconded by Mr. Avolio to enact Resolution 929 GASB Statement No. 54 - Fund Balance Policy. The aye vote on the motion was unanimous. Motion carried.

RESOLUTION 930

Motion was made by Mr. Henry and seconded by Mr. Spagnolo to enact Resolution 930 ratifying the Northern Regional Police Department's 2016 Pension Plan Participant Contributions. The aye vote on the motion was unanimous. Motion carried.

BID AWARD FOR SALE OF 15,000 LB. AMMCO VEHICLE LIFT

Mr. Holdcroft asked Mr. Barbarino if the purchaser is going to take the lift apart on Township premises. Mr. Barbarino stated that he would be disassembling the lift in the public works garage. Mr. Holdcroft then questioned if the Township has liability insurance for that. Mrs. Pampiks confirmed that the purchaser is responsible to provide a certificate of liability upon arrival.

Motion was made by Mr. Spagnolo and seconded by Mr. Avolio to award the sale of the 15,000 lb. Ammco vehicle lift to the high bidder Chris Parent in the amount \$5,550. The aye vote on the motion was unanimous. Motion carried.

PURCHASE OF 2016 JEEP CHEROKEE SPORT FOR ZONING DEPARTMENT

Motion was made by Mr. Spagnolo and seconded by Mr. Avolio to authorize the purchase of a 2016 Jeep Cherokee Sport from Tri-Star Motors in the amount of \$23,795 using state contract pricing. The aye vote on the motion was unanimous. Motion carried.

2016 PSATS CONFERENCE

Motion was made by Mr. Spagnolo and seconded by Mr. Henry to authorize the Board of Supervisors and staff to attend the PSATS Conference, April 17-20, 2016. The aye vote on the motion was unanimous. Motion carried.

ORGANIZATIONAL MEETINGS ADVERTISED

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to authorize the advertisement of the Organizational meeting schedule for January 2016. The aye vote on the motion was unanimous. Motion carried.

RESOLUTION 931

Mr. Anderson stated that PennDot provided some revisions to Resolution 925 accepting the abandonment of a portion of right-of-way from the former location of North Chapel Drive (State Route 4073) that the Board signed at the August 17, 2015 meeting. The Board will need to make a motion to enact Resolution 931 that includes the modifications.

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to enact Resolution 931 (revision of Resolution 925) accepting the abandonment of a portion of right-of-way from the former location of North Chapel Drive (State Route 4073) from PennDot. The aye vote on the motion was unanimous. Motion carried.

STATE HIGHWAY ABANDONMENT FORM

Motion was made by Mr. Spagnolo and seconded by Mr. Avolio to authorize the Board Chairman to sign the State Highway Abandonment Form for the North Chapel property. The aye vote on the motion was unanimous. Motion carried.

DECEMBER 21, 2015 BOARD MEETING

Motion was made by Mr. Avolio and seconded by Mr. Spagnolo to cancel the December 21, 2015 Board of Supervisors Work Session 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 7:22 p.m.



Recording Secretary



Township Manager