

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

Monday, April 04, 2016

Pine Community Center

### EXECUTIVE SESSION

Motion was made by Mr. Spagnolo and seconded by Mr. Henry to conduct an Executive Session at 6:00 p.m. for the purpose of discussing real estate matters. The aye vote on the motion was unanimous. Motion carried.

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 Anderson, Township Manager; Amy Pampiks, Administrative Operations and Human Resources Manager; Tony Barbarino, Director of Public Works; and Jan Kowalski, Financial Administrator and Business Tax Collector.

Motion was made by Mr. Spagnolo and seconded by Mr. Avolio to terminate the Executive Session at 6:28 p.m. The aye vote on the motion was unanimous. Motion carried.

### 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; Jan Kowalski, Financial Administrator and Business Tax Collector; and Heidi Hawk, Certified Court Reporter.

There were approximately 110 visitors present.

Mr. Dennehy questioned Mr. Gushard if the prior Executive Session met the guidelines of the Sunshine Act and Mr. Gushard responded affirmatively, as the discussion related to real estate matters.

#### 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. Holdcroft and seconded by Mr. Henry to approve the minutes of the March 21, 2016 Board of Supervisors meeting. The aye vote on the motion was unanimous with the exception of Mr. Avolio who abstained due to his absence at that meeting. Motion carried.

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UNFINISHED BUSINESS

VILLAGE AT PINE PUBLIC HEARING CONTINUATION

Mr. Gushard, Solicitor for the Township, stated that this is a continuation of the Public hearing that was opened at the March 21, 2016 Board meeting. No testimony or action was taken at that time due to a request from the developer, Gigliotti Holdings, L.P., for a continuation.

Mr. Gushard also acknowledged that Heidi Hawk a Court Stenographer is present this evening for this part of the hearing. He stated that this is a formal proceeding and asked that everyone who will be speaking to clearly pronounce their name and address for the record.

Mr. Gushard explained that the record will include the Developer's application, minutes of the Planning Commission meetings, correspondence received by the Planning Commission, along with all comments made tonight. He continued that there is no requirement for the Board to make a decision this evening. This could be the first of a couple of continuations.

Mr. Kurpakus reported that Gigliotti Holdings, L.P. is proposing an amendment to the Village at Pine P.R.D. to include an additional 28.8 acre parcel to the East of the current Village of Pine property for the construction of an additional 41 single family residential lots with two street extensions to be known as Phase 6 of the Village at Pine. The Project includes the extension of Eddie Lewis Drive to serve an additional 15 lots and the construction of a new Township street to serve an additional 26 lots. The project includes landscaping, stormwater management and pedestrian improvements. The submission has been reviewed for compliance with the Village at Pine Tentative Approval granted April 6, 1999 including modifications, as well as Township Code requirements. The Planning Commission recommended the Board of Supervisors deny the application. Mr. Kurpakus stated the main issues include enhanced landscaping to the existing 40' bufferyard, the proposed number of homes on the cul-de-sac, and how the cul-de-sac length is measured.

Daniel F. Gramc of Goehring, Rutter & Boehm, the applicant's attorney, introduced himself and the applicant's engineer, Donald Trant of Trant Corporation. Mr. Gramc stated, although he believes the plan previously complied it has been amended and made better. Mr. Gramc stated this section is in the Town Center Overlay District, and is not a standard PRD; it is zoned for this purpose, and the developer is taking advantage of the zoning. Mr. Gramc added that standard PRD conditions do not apply, town center conditions apply. The zoning is stringent for commercial development, and the ordinance was written that way for this property; and the Village at Pine is the only one area in the township that can be developed this way. Mr. Gramc provided a handout with his comments outlined.

Mr. Gramc noted that the Master plan has been on the books since 1999. Mr. Gramc stated that the Township received an award for this plan six years ago. Pointing to the zoning map he stated that this is not new, since 1999 this parcel has been designated as a Town Center Design Overlay District (TCDO) and this is the last piece that can be included in the Village of Pine.

Mr. Gramc indicated that he will address two concerns from the Planning Commission meeting; the buffer area and the number of homes on the cul-de-sac. The Planning Commission stated that while the previous plan met code the developer can do better; therefore, Mr. Gigliotti proposed changes to the plan due to comments. The 40' buffer, still owned by the contractor, will remain untouched in this plan due to resident's concerns. He noted that the developer has added a 20' conservation buffer which enhances the buffer to 60', moved Luxury Drive, and the turnaround of the cul-de-sac has been adjusted to reduce the amount of site area disturbed.

Mr. Gramc stated that the gas lines are not a zoning issue. However, the developer recognizes that he will have to work directly with the gas company. A traffic study was completed and reviewed by the Township Engineer and it was determined there are no traffic improvements needed.

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Mr. Gramc continued that the existing density of other phases is 2.5 units per acre. The developer is proposing 1.45 units per acre for this additional parcel. This provides a less dense development with more open space.

Mr. Gramc pointed out that the dwelling style in the existing phases of the Village at Pine includes townhomes, patio homes, and single family homes, with single family detached dwellings listed close to \$500,000. Phase 6 is proposed to be all single family detached dwellings.

Mr. Gramc stated that according to the tentative approval and Section 84-112 of the Code existing at the time of approval only a 20' buffer was required along the property, the developer is offering a 60' buffer which is three times the required amount.

Mr. Gramc said that the provisions for the cul-de-sac follow the Town Center PRD specifications, which does not have restrictions for street design. He added that the developer's proposed design still complies with current criteria.

Section 78-44 of the Code permits up to a 4,000 ft. cul-de-sac, the plan shows approximately 3,000 feet. The Code also restricts 50 dwelling units per cul-de-sac. The Ordinance measures cul-de-sacs from the nearest edge of pavement to the nearest intersecting street to the center of the cul-de-sac. Therefore, measuring from Luxury Drive (357ft.) there are only 8 dwelling units on the cul-de-sac. If, for arguments sake, one ignores the Luxury Drive intersection, the next intersection is the loop street with Eddie Lewis Drive about 880 feet from the center of the cul-de-sac. Only 20 homes are on the cul-de-sac. The Ordinance applies here and we are asking for Board approval.

Mr. Spagnolo stated that in 1999 when the Board approved this development it was very nice. He questioned, when or where is this going to end. This parcel was not in the plans when approved.

Mr. Gramc replied that this property was zoned in 1999 as Town Center PRD for this purpose but this parcel was not included then. That is why we are here tonight asking for approval because this plan complies with the Town Center PRD zoning. This implementation of the Town Center PRD was designed for this type of development.

Mr. Avolio stated the plans indicate 600-700 trees are proposed, however, no new plantings are shown in the existing or proposed 40' bufferyard. Mr. Avolio stated that unless the existing trees are part of the buffer additional plantings should be incorporated in those areas.

Mr. Avolio commented that if waivers are being requested, formal written justification must be submitted for the Board to review.

Mr. Avolio questioned Mr. Gramc as to why the two (2) cul-de-sacs are not connected. Mr. Gramc stated the topography limits this connection and would require greater disturbance to the site including impacts to existing wetlands.

Mr. Avolio stated the developer must submit additional information that supports their argument that Eddie Lewis Drive does not need a second connection per Township Code.

Mr. Avolio requested the developer provide a summary of the incomplete items and all proposed amenities from the previous phases and asked that a schedule for completion be provided.

Mr. Gramc stated that the amenities are bonded but not built yet. This will be addressed for the next meeting.

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Steve Leonard, 211 Pine Cone Court, introduced himself as the representative from the Coalition of Homeowners Bordering the Village at Pine Phase 6 Expansion. Mr. Leonard stated the homeowner coalition finds the revision to the original Phase 6 proposal insufficient, it does not adequately respond to the coalition's concerns and Code violations.

Mr. Leonard stated that this is zoned residential. He stated that he will give credit to the developer for the 40' buffer but the developer didn't move anything. Mr. Leonard shared that Mr. Kurpakus sent him information referencing Section 84-112 of the Code which defines the required bufferyard widths for a TC-PRD as a maximum of 40'. Mr. Leonard stated that he will acknowledge the 40' buffer but is disappointed in the conditions of the buffer, namely the outer periphery of the buffer.

Mr. Leonard distributed a handout to the Board stating that his remarks would be read from the handout provided.

Per handout as submitted:

Thank you for your dedication to the important and thoughtful function you perform for our town. As you've seen in the formally submitted material a coalition of homeowners has attempted to ensure you have a balanced and complete view of the facts for your decision process. Thank you for taking the time to read our submissions.

I will now briefly summarize the points made in the formal submission for all those present but I will not attempt to go through all of the details we submitted.

At its core this is an extremely difficult property to develop due to the natural slopes, wetlands, and pipelines. The developer is proposing a harsh plan to get the most out of this property. It's rather telling when there is only room for 2 houses on a cul-de-sac, there is as much as a 46' vertical drop behind some of these homes and, that there is more acreage devoted to these steep slopes that composes the yards of these 41 homes. The tentative agreement reads on page 6 that "The developer shall then further Pine's environmental goal of adequately protecting the environment and will not require excessive grading." Most builders in western PA would resort to integral garages or walkouts to better accommodate the natural terrain such as this, but not in this proposal. If this plan is implemented, the only area that won't be a steep slope will be the building lots and roadway.

There are two major objections we have to this plan.

First there is the town code that limits a cul-de-sac to 50 homes unless there is a spur to consider for future egress. The Board should realize that the proposed spur is unlikely to provide an additional egress for a very long time. There is no access to Route 910 due to wetlands and any potential access to Hill Road requires impacting multiple properties. Finding a way to implement a town serviceable road will not be straight forward either. The current homeowners in this area reach Hill Road by very narrow private drives.

Second is the topic of the proposed buffer. In 2010 Phase V was approved with a 40' undisturbed buffer on the eastern edge from Oxford Fitness all the way to 910. In 2016, Phase 6 is to implement that buffer as a 2 to 1 graded slope up against the 14 acre property at 110 Hill Road. The town codes show the intent of a bufferyard as providing a visual barrier and physical protection between adjacent land uses. By imposing a steep slope in the 40' buffer the idea of a "visual buffer" turns into an aerial view of the entire tract.

It's hard to find it reasonable that the developer is imposing the harshest buffer at the property interface with the greatest caliber difference – a 14 acre property on one side and a .7 acre per house property on the other. That's giving the developer the benefit of counting all the common area BTW.

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This expansion is being proposed as an amendment, which implies consistency with what was approved before. But the developer has proposed a slope to compose the buffer which is harsher than the phase V buffer. And if there was ever an interface that warranted a robust buffer, it is the one with 14 acres.

In conclusion, we do not believe the proposed spur conditions are sufficient to justify exceeding the 50 home cul-de-sac limits. We also believe that a 40' buffer that bulldozes all the mature growth and implements a steep slope up to an adjoining property is an unreasonable insulation between the Village at Pine density and the residential character constituting the rest of Pine Township.

The Township Codes are in place to guide and protect reasonable growth for our town. In its current form, this proposal leaves much to be desired. Thank you for your consideration.

Kevin O'Brien of 121 Oakhaven Drive stated that he has concerns over the 2015 traffic study which indicates that the addition of this phase has no significant implication. The study was taken in mid-summer when traffic is the lowest of any other time of year. There are no school busses or commuting for school; therefore the counts are artificially low with no adjustments for time of year. Mr. O'Brien noted that the number of trips increased by 1,000 per day from Phase 5 to 6. Things are not as they were in 1999 when this was approved. If you look at the plan you can see the density of the property and traffic on those streets, especially Village Club Drive. Village Club Drive is a back door to Giant Eagle and the commercial development. Kids play there and there is not a lot of room. The density of traffic is an issue. Approving this proposal only makes a bad situation worse. Mr. O'Brien feels the Board should require an independent traffic study.

Paul Martin of 160 Spruce Haven stated that he has lived in Pine for seven (7) years and had a few points to make. He commented that the deforestation is enough; he can hear the development of Phase 5 now. He questioned what the residents will do if there is a gas line emergency. He pointed out that as a developer; he gets the results he pays for when he hires a company to conduct a traffic study. He also feels that with the possible connection to Mohawk Drive he will hear more screeching tires and he believes this will become a safety issue.

Diane Berger of 120 Kestler Drive stated that she doesn't understand the definition of "common space". There is nothing left that is not a wetland or a steep grade. She wants to know what happened to the playgrounds and soccer fields that were planned but have not been built. She stated that there is no common space to enjoy.

Edward Elias of 900 Village Club Drive shared that he moved to the Village at Pine and with all of the additional development there is too much traffic. He stated that he has mailboxes in his driveway and believes there is no room for additional traffic.

Eileen Derks of 212 Gander Drive, President of the Home Owners Association for Oakhaven, stated that the amenities are sparse. There is no play area or common space for kids to play. If one compares the number of homes versus children and areas to play the numbers fall short. She stated that she has a safety concern thinking about the children trying to walk to Oakhaven to play. She would like the Board to consider the safety and the risk.

Mr. Leonard agreed that if there are no amenities for Phases 5 & 6 the children will be coming to Oakhaven to play.

Mr. Dennehy stated that the Board is aware of the need for these amenities and asked Mr. Gramc to take these concerns to the developer.

Motion was made by Mr. Spagnolo and seconded by Mr. Avolio to continue the public hearing until the May 2, 2016 meeting. The aye vote on the motion was unanimous. Motion carried.

Mr. Henry stated that the Pine Community Center has great summer programs for the kids. This could be an option for parents to look into.

Mr. Avolio stated that the record will include Larry Kurpakus' April 1, 2016 report, Planning Commission minutes, along with the traffic study and any previously submitted information; therefore only new information will be presented and discussed at the hearing continuation on May 2, 2016.

Mr. Gushard stated that the continuation for the hearing will take place on Monday, May 2, 2016. He noted that comments from tonight's meeting are on record; therefore at the May 2, 2016 meeting only new information can be submitted. Mr. Gushard pointed out that Mr. Avolio suggested that the waiver request for hardship be provided and that the developer should take into consideration more planting in the buffer.

Mr. Gramc confirmed that everything the Board suggested will be taken into account for the May 2, 2016 meeting, including the buffer planting and a time table for the amenities with more detail.

#### RESOLUTION 942 CONTINUED FROM MARCH 21, 2016 MEETING

Mrs. Pampiks summarized that the pension plan has not been updated since 1995. It now complies with federal regulation.

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to adopt Resolution 942 which is a restatement of the Non-Uniformed Employees' Pension Plan. The aye vote on the motion was unanimous. Motion carried.

#### SALT STORAGE BID AWARD

Mr. Anderson stated that the bid award for the Salt Storage Facility was tabled at the March 21, 2016 Board meeting. Three bids were received which included six (6) alternates. Golon, Inc. was the apparent low bidder. The salt building we currently have was built in 1987. The Township is projecting that the new salt building will address all of future storage needs. The staff's recommendation includes alternates: 1, 2, 3a, 4, and 5.

Motion was made by Mr. Spagnolo and seconded by Mr. Henry to award the bid for the Salt Storage Facility to Golon, Inc. in the total amount of \$1,144,500 including alternates 1, 2, 3a, 4, and 5 (base bid \$995,000 and \$149,500 for alternates). The aye vote on the motion was unanimous. Motion carried.

#### NEW BUSINESS

#### RESOLUTION 947 REGARDING A MULTIMODAL TRANSPORTATION FUND GRANT

Mr. Kurpakus reported that Resolution 947 is regarding filing a grant application to construct a sidewalk from Pinyon Drive in the Pine Crest Plan to school property along Logan Road.

Motion was made by Mr. Spagnolo and seconded by Mr. Avolio to adopt Resolution 947 regarding a Multimodal Transportation Fund Grant for Logan Road Pedestrian Improvements. The aye vote on the motion was unanimous. Motion carried.

REQUEST FOR BRADFORD WAY TO BECOME A PUBLIC ROAD

Mr. Anderson explained that last year a small section of Laurel Hill Street was accepted by the Township in a similar situation. Bradford Way is currently a private road and the residents are requesting the Township to upgrade and accept the private section of Bradford Way as a public road which connects between Manor Road and Fair Oaks Street.

Mr. Gushard stated that the Township needs to acquire appropriate documentation from the property owners. He also asked if the 45' right-of-way met Code.

Mr. Anderson clarified that a right-of-way is generally 50' but PennDot will accept lesser widths for liquid fuels reimbursement, therefore 45' is acceptable.

The Board gave approval to proceed.

VILLAS OF ENGLISH FARMS, LP, EXTENSION REQUEST

The Board acknowledged the Villas of English Farms, LP, extension request until May 31, 2016 for review of the Board of Supervisors meeting on May 16, 2016.

Motion was made by Mr. Holdcroft and seconded by Mr. Avolio to grant the Villas of English Farms, LP, extension request until May 31, 2016. The aye vote on the motion was unanimous. Motion carried.

Diane Fredericks, 265 Twin Oak Drive, stated that she did some investigation on the Township's accepting Montgomery Road and asked for clarification concerning the right-of-way. She also noted that the right-of-way is dedicated not accepted.

Mr. Gushard stated that whether it is dedicated or accepted did not matter; the Township has the right to utilize the right-of-way.

Mr. Anderson noted that there is a slight difference in the comparisons she is giving and stated that he would be glad to speak with her to clarify the matter.

Mr. Gushard stated that there are documents available at the Township that support the details of this matter.

Pamela Fleming, 220 Fox Meadows Drive, questioned the Board's granting an extension for Villas of English Farms; she wanted to know if that meant they were granting approval.

Mr. Kurpakus explained that granting the written extension application means that the Board is accepting the extension request and this item will be placed on the agenda for the May 16, 2016 Board meeting unless the applicant withdraws the application or requests a further extension, but gives no approvals.

Mr. Gushard clarified that the May 31, 2016 deadline is the last day that action can be taken on the matter.

Ms. Fleming asked Mr. Anderson to confirm receipt of a petition she dropped off at the Municipal building earlier. Mr. Anderson stated he received the petition and distributed copies to all Board members.

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APRIL 18, 2016 BOARD MEETING

Motion was made by Mr. Avolio and seconded by Mr. Spagnolo to cancel the April 18, 2016 Board meeting due to lack of agenda items. The aye vote on the motion was unanimous. Motion carried.

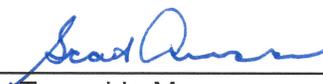
ADJOURNMENT

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

The meeting adjourned at 7:53 p.m.



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Recording Secretary



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Township Manager