

MINUTES OF MEETING OF TOWNSHIP OF PINE BOARD OF SUPERVISORS

Tuesday, July 5, 2016

Pine Community Center

EXECUTIVE SESSION

Motion was made by Mr. Spagnolo and seconded by Mr. Henry to conduct an Executive Session at 5:45 p.m. for the purpose of discussing insurance and 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; and Amy Pampiks, Administrative Operations and Human Resources Manager.

Motion was made by Mr. Spagnolo and seconded by Mr. Avolio to terminate the Executive Session at 6:25 p.m. The aye vote on the motion was unanimous. Motion carried.

REGULAR MEETING

ROLL CALL

The Township of Pine Board of Supervisors' meeting was called to order by Chairman Michael J. Dennehy 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 approximately 30 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 insurance and 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. Henry and seconded by Mr. Spagnolo to approve the minutes of the June 6, 2016 Board of Supervisors meeting. The aye vote on the motion was unanimous. Motion carried.

UNFINISHED BUSINESS

BROOKFIELD ESTATES CONDITIONAL USE APPLICATION

Mr. Dennehy reported that the developer has requested that the Brookfield Estates plan be removed from the agenda and he is requesting an extension through August 19, 2016.

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to grant an extension for the Brookfield Estates Conditional Use requests through August 19, 2016. The aye vote on the motion was unanimous. Motion carried.

BROOKFIELD ESTATES SUBDIVISION APPLICATION

Mr. Dennehy reported that due to the developer's request for an extension through August 19, 2016 there is no action to take on the Brookfield Estates Subdivision Application at this time.

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to table the Brookfield Estates Subdivision Application through August 19, 2016. The aye vote on the motion was unanimous. Motion carried.

LAUREL GROVE CONDITIONAL USE FINDINGS OF FACT

Mr. Gushard stated that the Public Hearing was closed at the June 6, 2016 meeting and the Board has 45 days to take action. Mr. Gushard drafted the Findings of Fact which grants conditional use approval for the allowance of patio homes upon land located at Warrendale Road and Babcock Boulevard pursuant to sections 84-74, and 84-137 of Chapter 84 of the Code. All submissions including conditions, waivers, testimony, written communications from residents and the Planning Commission, as well as the applicant complying with all conditions imposed by the Township were included in the Findings of Fact rendering such decision. The conditions for conditional use have met all requirements and are compliant with Township Code. Mr. Gushard stated that a motion on the Finding of Facts finalizes the action of the Conditional Use hearing.

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to accept the Findings of Fact and decision of the Board of Supervisors regarding the application for conditional use approval filed by Cavalier Land Partners, L.P. for the construction of "patio homes" dwellings upon land situated at Warrendale Road and Babcock Boulevard (Parcel Nos. 2186-F-9 and 2186-P-35). The aye vote on the motion was unanimous. Motion carried.

Mr. Gushard stated that the Findings of Fact will be available for review at the municipal building.

LAUREL GROVE PRELIMINARY SUBDIVISION REQUEST

Mr. Kurpakus reported that Cavalier Land Partners, L.P. is proposing the construction of a 244 unit mixed residential development. The development is proposed in 2 phases and will include 34 single family lots, 56 patio home lots, and 154 townhomes. The project includes the construction of a community club house, pool and mini parks to meet the Parks and Recreation requirements. Landscaping, stormwater management and pedestrian improvements are proposed. Townhome and single family dwellings are a permitted use for the R-3 district. The proposed patio homes required conditional use approval subject to section 84-74 of Township Code. There is an updated engineer's review letter dated July 5, 2016 with minor outstanding items. The Planning Commission recommended preliminary subdivision approval with conditions.

Mr. Avolio asked if conditions were reviewed and agreed upon by the applicant and if conditions 4, 5, and 8 have been satisfied. Mr. Kurpakus affirmed that the applicant agreed to the conditions and the developer has satisfied the conditions mentioned.

Mr. Gushard stated that there are two waiver requests mentioned by the Planning Commission that cover two of the three conditions mentioned and should be included as part of the motion.

Motion was made by Mr. Spagnolo and seconded by Mr. Avolio to approved a waiver of section 78-38(B) to allow 2:1 grading to limit disturbance with the condition that additional plantings meeting Section 78-48(D) of the Code be provided on the slopes for woodland mitigation and subject to a geotechnical report. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Spagnolo and seconded by Mr. Avolio to approve a waiver of Section 78-39(K) to allow greater than 3 residential units to be served by the two private loop streets, 30' in width, closest to Babcock Boulevard. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Spagnolo and seconded by Mr. Avolio to approve a waiver of Section 84-124(A) to allow limited disturbance of slopes in excess of 40% as shown on the submitted plan set. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Spagnolo and seconded by Mr. Avolio to granted preliminary approval of the Laurel Ridge Land Development plan drawings C-100, C-200 to C-201, C-300 to C-302, C-400, C-500 to C-503, C-600 to C-602, C-700 to C-702, C-800, C-1000 to C-1004 and C-1100 dated 3/1/8/16 and revised 5/2/16 and prepared by PVE Sheffler, Inc. with the following conditions:

1. Compliance with the LSSE review letter dated July 5, 2016
2. Compliance with the HRG review letter dated May 6, 2016
3. Compliance with the conditional use approval of patio home use
4. Building materials to be reviewed by Township staff for Code compliance
5. Installation of a sidewalk spur to connect to the crosswalk at the intersection of Babcock Boulevard and Warrendale Road

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

Mr. Spagnolo suggested that Mr. Gillespie thoroughly inspect where the existing underground transmission gas lines are located throughout the development. Mr. Gillespie acknowledged the suggestion.

#### VILLAGE OF PINE PHASE VI FINDINGS OF FACT

Mr. Gushard stated that the Public Hearing for the Village of Pine Phase VI was closed at the May 2, 2016 meeting and without further extension provided by the applicant the Board must act on this application tonight. Mr. Gushard prepared the Findings of Fact granting approval with additional and specified conditions for modification of the development plan for the Village at Pine Town Center Planned Residential Development (TCPRD). He added that a motion on the Findings of Fact finalizes the action of the hearing.

Kevin O'Brien of 121 Oakhaven Drive stated that he would like to recognize the dedication and sacrifice on behalf of the Planning Commission, Board, and staff for the service they provide. Mr. O'Brien noted that he has attended all of the Planning Commission and Board meetings and would like to point out that twice the Planning Commission recommended that the Board should deny this plan. He stated he believed this is significant; coupled with the fact that all residents who have spoken have been opposed to Phase 6. Mr. O'Brien stated that he strongly recommends the Board deny the request.

Mr. O'Brien also stated that given the public sentiment he would like the Board to provide their reasons for voting yes or no on the application.

Mr. Avolio stated that the Board of Supervisors has the advantage of having the Township Solicitor to review the legality of the facts and opinions, as well as the Township Code. The Board can then incorporate conditions and safeguards, otherwise the developer would not be subject to those conditions over and above the Code. Mr. Avolio noted that he would like to add a provision to include a conservation easement to be shown on the recording plan to include all bufferyards and open space. These areas shown on the plans shall have no disturbance or changes from what is being voted on other than with the consent of the Home Owners Association for the Village at Pine.

Mr. Spagnolo stated that he wants to make sure that all detention ponds are required to be cleaned out and operational. Mr. Gushard affirmed that this is a provision included within the conditions for the plan. Mr. Avolio asked for confirmation that the timing for improvements in previous phases is to be completed prior to granting of approval for Phase 6. Mr. Gushard stated that that provision is in the letter dated April 28, 2016 which is included in the Findings of Fact.

Mr. O'Brien stated that he feels the Board has the responsibility to represent the citizens. He also believes that a "no" vote can be defended in a court. Mr. Dennehy replied that the Board has a legal obligation and that may be to approve this plan.

Mr. Gushard stated that unlike 90% of the plans that come through the Township where the Planning Commission does most if not all of the detailed work, this plan was subject to a lengthy communication; therefore the Board has had a significant amount of time to hear and consider all information before rendering their decision.

Steve Leonard of 211 Pine Cone Court thanked the Board for their efforts. He asked if the wetland in Phase 5 is included as part of the condition that all ponds are required to be cleaned out and operational. Mr. Kurpakus stated that the wetland is part of the natural feature and not part of the stormwater ponds discussed. Mr. Spagnolo stated that the wetlands are regulated by the Allegheny County Conservation District and DEP and therefore is out of the Boards hands.

Motion was made by Mr. Avolio and seconded by Mr. Spagnolo to adopt the Village at Pine Phase VI Findings of Fact as amended adding a provision that the Allegheny County Conservation review the wetland pond to make sure it is functioning as originally designed and an addition of a conservation easement be provided on the recorded plan to limit disturbance within the buffer areas and open space. The aye vote on the motion was unanimous. Motion carried.

Mr. Spagnolo explained to residents that once a plan meets code it goes to Allegheny County. He added that if the Township fought this we spend tax payer's money and most likely would lose. Mr. Spagnolo indicated that he believes the Townships hands are tied. Therefore, it's better to approve it with added conditions that protect and benefit the residents.

Mr. Avolio stated that the Findings of Fact will be available for review at the municipal building following the Boards action.

Dan Gramc, the Attorney for Village at Pine, inquired if the one (1) motion covered all three applications. Mr. Gushard confirmed that the motion included the Preliminary and Final, Phase 5 Revision-1, and Phase 5 Revision -2, as well as Phase VI Approval.

#### POLICY, RULES AND REGULATIONS FOR USE OF THE TOWNSHIP OF PINE ELECTRONIC MESSAGE SIGN

Mr. Dennehy questioned who is responsible to review and decide what is "appropriate and inappropriate" content or usage. Mr. Dennehy also inquired if more details about who is permitted to advertise and what can be advertised should be added to the policy.

Mr. Avolio requested a change to amend the 2 week period for display to a 4 week period, stating if there is an issue the extra time provides opportunity for the Board to address it.

Motions was made by Mr. Spagnolo and seconded by Mr. Henry to adopt the Policy, Rules and Regulations for use of the Township of Pine Electronic Message Sign with the inclusion of Mr. Avolio's amendment. The aye vote on the motion was unanimous. Motion carried.

#### SALE OF LASTEC MOWER THROUGH MUNICIBID

Mr. Anderson explained that the bid was awarded at a prior meeting but the bidder backed out; therefore, the Board needs to make a motion to rebid the sale of the Lastec mower through Municibid.

Motion was made by Mr. Henry and seconded by Mr. Avolio to approve the rebid of the Lastec Mower through Municibid. The aye vote on the motion was unanimous. Motion carried.

#### NEW BUSINESS

##### VILLAGE OF PINE LOTS 441 & 442 SUBDIVISION APPLICATION

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to grant approval for the Village of Pine Lots 441 & 442 subdivision application. The aye vote on the motion was unanimous. Motion carried.

##### MAPLE ROW LAND DEVELOPMENT APPLICATION

Mr. Kurpakus stated that Gigliotti Holdings is proposing the construction of a 5,700 square foot mixed use commercial building with additional parking, stormwater management and bufferyard landscaping at 11360 Perry Highway. The site currently has an existing 5,000 square foot commercial office building used by the UPMC Urgent Care. The proposed use of the building has been reviewed as mixed office and retail uses. There are minor outstanding items noted on the LSSE review letter dated 6/3/16. The Planning Commission recommended preliminary and final approval with conditions. Originally there were access concerns but the developer expanded the access to the North of the UPMC Urgent Care building.

Mr. Avolio clarified that the Planning Commission denied the original plan and this is the change the developer made for approval. Mr. Kurpakus confirmed that the Planning Commission denied the original plan which proposed sharing access and parking with Starbucks. The developer withdrew that plan.

Mr. Avolio stated that the traffic for Starbucks is already chaotic and recommended adding a condition that the developer explore and incorporate a comprehensive signage package that includes directional signage to alleviate traffic conflicts.

Frank Spagnolo asked if the Board should wait on approving the plan and send it back to the developer. Pat Avolio stated that he does not want the plan to go back to the developer. He wants the developer to work cooperatively with Starbucks to explore and incorporate directional signage.

Mr. Gushard concurred that adding a condition for the developer to work cooperatively with Starbucks on a plan for directional signage was best and added that Starbucks may have regulations at the regional or national level about what kind of signage is acceptable.

Motion was made by Mr. Avolio and seconded by Mr. Holdcroft to grant preliminary and final approval with the following conditions:

1. Compliance with the LSSE review letter dated June 3, 2016
2. Building materials to be reviewed by Township staff for compliance with Township Code
3. Preparation of a standard Township Developer's Agreement
4. Applicant to develop a comprehensive sign plan for the development site and adjoining property to alleviate vehicle conflicts between cross access traffic.

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

#### MEYER PROPERTY SUBDIVISION APPLICATION

Mr. Kurpakus stated that Miller Drive Development is proposing a 2 lot residential subdivision of property located at 130 Marrwood Lane. The purpose of the subdivision is to incorporate the former Meyer property within the Marra property subdivision. The plan submitted includes modification to lots 1 through 6 of the Marra plan to allow for the extension of the sanitary sewer line to serve the adjacent residential properties. No additional modifications are proposed to the Marra property subdivision. The Planning Commission recommended preliminary and final approval with conditions. Added Bufferyard, street tree and minimum landscaping to be provided to Township Code and consistent with all the Marra property subdivision approval conditions which includes a 40' conservation easement at the back of lots 201 and 202, along with planting a double row of evergreen trees in the buffer

Gary Gushard questioned if the developer is in agreement with the conditions. Larry Kurpakus stated that the developer is in agreement of the conditions.

The applicant engineer Doug Tait of Tait Engineering stated that there is an existing dwelling on the property and they are cutting the lot lines to improve the fit of lot 6 which is narrow. Mr. Tait added that they worked with the neighbor on grading at the entrance of Cloverdale.

Pat Avolio inquired if this plan will have a buffer joining the residents of Cloverdale and if the developer is addressing the concern of tree clearing on other side of Marra plan. Larry Kurpakus stated that these items are being addressed.

Motion was made by Mr. Spagnolo and seconded by Mr. Avolio to grant preliminary and final approval with the following conditions:

1. Compliance with the LSSE review letter dated June 3, 2016
2. Bufferyard, street tree and minimum landscaping to be provided to Township Code and consistent with all the Marra property subdivision approval conditions which includes a 40' conservation easement at the back of lots 201 and 202, along with planting a double row of evergreen trees in the buffer area per Exhibit A.
3. Preparation of an amendment to the Marra Property subdivision developer's agreement to include lots 201 and 202 for the Meyer property subdivision.

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

#### AUTHORIZATION TO ADVERTISE AN ORDINANCE FOR WALLACE ROAD/GRAHAM ROAD PROJECT

Motion was made by Mr. Henry and seconded by Mr. Spagnolo to grant approval to advertise for an Ordinance for the acquisition of property and release associated with the Wallace Road/Graham Road/Warrendale Road (Red Belt) intersection improvements and signalization project. The aye vote on the motion was unanimous. Motion carried.

Mr. Holdcroft stated that he explained to Mr. Kunsak that his options per the signalization improvements are to put up a guardrail or the Township will take the property by eminent domain. Mr. Holdcroft stated that his belief was that Mr. Kunsak would prefer putting up the guardrail.

Scott Anderson stated that there is a letter, dated June 29, 2016, in the packet from Mr. Kunsak regarding the preference of putting up a guardrail.

Gary Gushard agreed that putting up the guardrail and continuing communications with Mr. Kunsak is his preference over taking the property by eminent domain. He added that there is a "Restriction of Access" waiver that Mr. Kunsak will have to sign; it is a requirement of PennDot.

Pat Avolio communicated that this project is part of the Township's Capital Improvement Plan and for the public purpose of traffic improvement.

#### JULY 18, 2016 BOARD MEETING

The Board reviewed and approved the agenda proposed for the July 18, 2016 meeting.

#### INSURANCE COVERAGE AGREEMENT

Motion was made by Mr. Avolio and seconded by Mr. Spagnolo to accept the HDH MRM Property and Liability Insurance coverages through July 30, 2017. The aye vote on the motion was unanimous. Motion carried.

ADJOURNMENT

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

The meeting adjourned at 7:25 p.m.



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Recording Secretary



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Township Manager