

MINUTES OF TOWNSHIP OF PINE PLANNING COMMISSION MEETING

Monday, May 12, 2008

Pine Township Municipal Building

This session of the Township of Pine Planning Commission was called to order at 7:00 p.m. by Pasquale Avolio.

Members in attendance were: Pasquale Avolio, Chair; Joel Dennison, Vice-Chair; John Lombardo, Michael Hansen; Shannon Miller-Yeakel; and Garrin Welter. Also present were Scott Anderson, Assistant Manager; Larry Kurpakus, Director of Code Enforcement and Land Development; and Timothy R. McClelland, Lennon, Smith, Souleret Engineering, Inc.

There were approximately 25 visitors present.

Mr. Avolio explained that the Planning Commission is a recommending body and all approvals must be received from the Board of Supervisors.

PLEDGE OF ALLEGIANCE

MINUTES

Motion was made by Mr. Hansen and seconded by Ms. Miller-Yeakel to approve the minutes of the March 10, 2008 Planning Commission meeting. The aye vote on the motion was unanimous. Motion carried.

300 GRAHAM ROAD – Conditional Use Hearing

Mr. Kurpakus reported that 300 Graham Road is within the “S-1” Zoning District and the property owner, Martin Smith, is applying for a Conditional Use to construct a pavilion and several storage structures. He explained that a “Stop Work” order was issued when it was discovered that the pavilion was built without issuance of a building permit.

Ms. Leslie Peters, Bluming & Guskey, reported that the site is approximately 15 acres, and is a consolidation of three prior lots. She specified that the applicant requests approval of six accessory structures on the property; specifically, two picnic type pavilions which have already been constructed, a third picnic-type pavilion; a pre-built pavilion already constructed, and a tool shed and springhouse which was located on the property when purchased.

Mr. Avolio opened the meeting for public comment.

Mr. Martin presented pictures of the property and the accessory structures.

Mr. Avolio asked that the pictures be entered into the record. He then questioned if anticipated Code revisions, currently being reviewed, would address the issue of accessory structures.

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300 GRAHAM ROAD – Conditional Use Hearing (Continued)

Mr. Anderson agreed that it could, as there will be one more committee meeting and 60 to 90 days before their recommendation to the Board is finalized.

Ms. Peters noted that the Board of Supervisors will be opening the Conditional Use Hearing for 300 Graham Road on May 19, 2008.

Mr. Dennison remarked that the Martin property is a unique parcel in Pine that could permit the structures due to that uniqueness, specifically due to screening by mature landscaping. He added his opinion that the structures are attractive and integrated with the dwelling. Mr. Dennison expressed his concern, though, about setting a precedent by permitting the proposed number of requested accessory structures.

Mr. Hanson and Ms. Miller-Yeakel echoed Mr. Dennison's comments, although they questioned if the submission should be presented to the Zoning Hearing Board to avoid the setting of a precedent.

Mr. Avolio suggested the Code be reviewed to incorporate the necessary revision to address this issue.

The Planning Commission members each stated they were generally in favor of the proposal, but felt it should be reviewed by the Zoning Code Review Committee.

Motion was made by Mr. Dennison and seconded by Mr. Welter to table consideration of the Conditional Use Application for 300 Graham Road. The aye vote on the motion was unanimous. Motion carried.

Mr. Dennison questioned the status of the lot consolidation plan and Ms. Peters stated that it has been submitted.

Mr. Anderson clarified that a subdivision plan was approved September 7, 2007, but the plan was not recorded.

Mr. Avolio suggested the lot consolidation plan be provided to the Board.

LEBO - CONDITIONAL USE HEARING

Mr. Kurpakus reported that the Conditional Use application of Robert and Helen Lebo proposes a stealth monopole cell phone tower. He reminded that the Planning Commission tabled the submission on November 12, 2007 to permit the applicant to address the necessary variances with the Zoning Hearing Board. Mr. Kurpakus reported that the Zoning Hearing Board granted the requested variances for four set-back variances.

Mr. McClelland referred to his engineering review letter of October 31, 2007.

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LEBO - CONDITIONAL USE HEARING (Continued)

Mr. Jonathan Krassenstein, Krassenstein and Associates, added that the tower will be located further from the road than the existing tower and an eight foot cyclone fence will enclose it. He noted that a Verizon representative was present to answer technical questions.

Mr. Avolio opened the meeting to public comment.

Mr. Hansen noted the lack of proposed landscaping but stated that it does not appear to be necessary due to the existing vegetation.

Mr. Krassenstein stated that no trees will be removed.

Mr. Dennison suggested that trees be planted along the roadway.

Mr. Lebo stated that he is opposed to landscape screening for security purposes.

Mr. Dennison stated he would be more comfortable if screening at property lines will be a requirement in the event the existing trees fail or are removed.

Mr. Lebo was agreeable to that stipulation.

Mr. Dennison questioned if documentation has been provided that there is no other appropriate site, as specified in Code Section 84-42c.

Mr. Lebo replied that the required documentation has been provided. He noted that Allegheny County has expressed interest in acquiring space on the tower.

Mr. Krassenstein produced a copy of Allegheny County's letter of interest.

Mr. Dennison asked that Mr. Kurpakus determine if the submission complies with Code.

Mr. Avolio referred to the review letter of October 31, 2007 and pointed out that Items 1A, 1B, 1C, 1J, and 1K were addressed as part of the Zoning Hearing Board approval. He recommended that any approval include a condition that staff determine if landscaping is necessary to screen the adjacent residence. He added that approval should be subject to all conditions of the current tower, and should specify that all wires are enclosed within the structure.

Mr. Krassenstein questioned if the Planning Commission had received Mr. Lebo's second submission and Mr. Kurpakus confirmed that they had.

Motion was made by Mr. Dennison and seconded by Ms. Miller-Yeakel to recommend to the Board of Supervisors, preliminary and final approval of the Conditional Use Application for the Lebo Stealth Monopole Cell Phone Tower, pursuant to Sheet Z-1 dated April 2, 2008 and

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LEBO - CONDITIONAL USE HEARING (Continued)

drawn by Keystone Consultants, Inc. with the following conditions: 1) Staff is to review the applicant's submittals for compliance with all conditions of the existing tower. 2) Staff is to confirm that approvals have been granted by the FAA and FCC. 3) Developer is to maintain existing landscaping to screen the tower and replace such screening if the existing landscaping is removed or dies. 4) Security fencing around the monopole to have staff approval. 5) All issues of the Lennon Smith Souleret Engineer letter of review of October 31, 2007 are to be resolved. The aye vote on the motion was unanimous. Motion carried.

ENGLISH ESTATES

Mr. Kurpakus reminded that the 29 ½ acre, 8 lot, English Estates Planned Residential Development was tabled at the April 14, 2008 meeting to enable the developer to address the Planning Commission's concerns.

Mr. McClelland reported that only several minor items of the Lennon Smith Souleret Engineering review letter of May 7, 2008 remain outstanding.

Mr. Kurpakus noted that the Code requires a connection to Baur Drive. He added that, per the Code, an easement must also be provided for sanitary sewer connection to Baur Drive.

Mr. Avolio recalled that stormwater runoff was a concern of Baur Drive residents.

Mr. McClelland explained that English Estates stormwater will be directed into a stormwater system that will pipe the water under the road to the English Farms detention facility.

Mr. George Saad, Richland Properties, reported that the plan entrance may be slightly modified at a later time due to recent negotiations with the property owners of 391 English Road. He specified that the front two lots would be modified but the remaining lots would remain as proposed and this would enhance the entrance. He added that the original submission included this preferred entrance.

Mr. Avolio noted that the plan does not address the property on the south.

Mr. Saad advised that an easement will be provided to the open space and a sanitary sewer extension will also be provided.

Mr. Hansen questioned the mitigation plan for specimen trees.

Mr. Saad stated that he was not opposed to mitigation, although he may prefer an offsite planting area.

Mr. Anderson stated that the Code permits off-site mitigation in an alternate planting site within the Township.

ENGLISH ESTATES (Continued)

Mr. Hansen requested a landscaped island at the cul-de-sac, to which Mr. Saad agreed.

Mr. Lombardo stated he was not in agreement to require a landscape island as he felt that would complicate winter road maintenance. He did express appreciation for the developer's success in negotiating to construct the "plus" intersection. He questioned if access could be provided to Baur Road.

Mr. Avolio pointed out there should be a right-of-way from the open space to Baur Drive. He felt that access should be provided to the sizeable parcel to the south.

Mr. Saad stated he will not pave Baur Road and he would grant utility access but not make the road connection. Mr. Saad also stated that he intended to fully comply with the engineer's letter of review.

Mr. Dennison questioned the wording of the Code section that requires connection.

Mr. Kurpakus referred to Code Section 78-44(6), which states "Where adjoining areas are not subdivided or developed, the arrangement of streets in new subdivisions shall make provisions for the proper projection of streets. Where a new subdivision adjoins undeveloped or unsubdivided land susceptible to being subdivided, then the new streets shall be carried to the boundaries of the tract proposed to be subdivided or developed."

Motion was made by Mr. Dennison and seconded by Mr. Welter to recommend to the Board of Supervisors, tentative approval of the English Estates Planned Residential Development, pursuant to Cover Sheet (undated), Drawings A-1 dated January 23, 2008, Drawing 1 of 3 dated February 2, 2008, Drawing 2 of 3 dated January 25, 2008, Drawing 3 of 3 dated January 25, 2008 and revised April 4, 2008, Sheet 4 dated January 31, 2008, Sheet 5 dated February 2, 2008, Sheet 6 dated February 9, 2008, Sheet 7 dated January 31, 2008, Sheet 8 dated February 7, 2008, Sheet 9 dated February 7, 2008 and revised April 2, 2008, Sheet 10 dated February 7, 2008, Sheet 11 dated February 5, 2008, Sheet 12 dated February 5, 2008, and Sheet 13 dated February 5, 2008, and additional plans for English Road improvements pursuant to Sheet 1 dated July 23, 2008, Sheet 2 dated April 23, 2008, Sheet 3 dated April 23, 2008, Sheet 4 dated April 23, 2008, Sheet 5 dated April 23, 2008, Sheet 6 dated April 23, 2008, and Sheet 7 dated April 23, 2008, all prepared by LandTech Engineering, with the following conditions:

1. The developer is to address the mitigation of trees as recommended in the Environmental Advisory Council's correspondence of April 14, 2008.
2. The developer is to comply with the Lennon Smith Souleret Engineering review of May 7, 2008.
3. The developer is to provide a right-of-way for future road and sewer connection to the undeveloped property to the south per Code Section 78-44.
4. Staff and solicitor to prepare any additional necessary conditions to assure Code compliance.
- 5) Developer to consider landscaped island at the cul-de-sac.

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

THE VILLAGE AT PINE – Phase IV

Mr. Kurpakus reported that The Village at Pine has requested review of their progress report for Phase IV, a 213 unit residential development.

Mr. McClelland reported that he has met with the applicant's engineer regarding his April 4, 2008 letter of review.

Mr. Don Trant, Trant Corporation, pointed out that the park size was increased as requested by the Parks and Recreation Department and sidewalk now extends to the Wexford Volunteer Fire Company site. He noted that the Fire Company will be required to install sidewalk along their property. Mr. Trant agreed to plant additional specimen trees along the fire company property. He advised they have not yet received comments from HRG on the road connection to Route 910. Mr. Trant specified that the unit types are the same as those in Phase III.

Mr. Avolio noted that only construction of the Phase IV residential phase is being considered that evening and they will be required to comply with all conditions of tentative approval.

Mr. Steven Caprarola, Ryan Homes, stated that one new style will be added to the three styles in Phase III and they are proposing a variety of building materials, with brick on units that are most visible

Mr. Avolio advised that staff will determine the brick locations. Mr. Avolio opened the subject to public comment with no requests to address the subject.

Mr. Lombardo questioned if fencing or vegetation will provide for screening and safety at the top of the slope, adjacent to the stormwater detention basin.

Mr. Trant explained that they are attempting to locate the original stormwater calculations to understand how the stormwater system along Route 910 is to operate.

Mr. Dan Gramc, Goehring Rutter and Boehm, counseled that prior approvals include the stormwater detention plan to that point. He advised that the landscaping plan will address screening and safety.

Mr. Lombardo questioned if the Route 910 entrance will be a “boulevard” type and Mr. Gramc replied that it will not due to the width of the stormwater structure. Mr. Lombardo asked if the developer would install the sidewalk for the fire company and Mr. Gramc reminded that the developer donated the land for the fire company’s new station and it would not be economically feasible to construct the sidewalk.

Mr. Hansen remarked that the detention pond is very unsightly from Route 910.

THE VILLAGE AT PINE – Phase IV (Continued)

Mr. Trant stated that a landscaping plan will be presented once the detention pond issues are resolved.

Mr. Welter added his safety concerns with the grade at the detention pond.

Mr. Avolio remarked that they need to resolve the stormwater issue for Phase IV. He suggested an entry feature be proposed for the Route 910 entrance.

Mr. Anderson advised that a letter of extension from the developer will be necessary, which Mr. Gramc agreed to provide.

Motion was made by Mr. Dennison and seconded by Mr. Welter to table review of The Village Pine, Phase IV. The aye vote on the motion was unanimous. Motion carried.

N.P. LOUNGE/GRAZIE RESTAURANT/CABANA BAR – Revised Land Development

Mr. Anderson distributed May 12, 2008 correspondence received that day from Fritz Baehr, the architect for North Park Lounge at the Oxford Athletic Club, regarding their plan submission. He suggested that the correspondence be incorporated with the meeting minutes.

Mr. Baehr indicated that their May 12, 2008 correspondence withdrew the applicant's prior submission of April 17, 2008 which shows additional parking on the southerly end of the athletic club. He explained that the Oxford Athletic Club views that area for future expansion and was therefore unwilling to permit the installation of a parking lot. Mr. Baehr specified their intent, that evening, was to address only accessibility.

Mr. Avolio questioned if Mr. Baehr had the authority to withdraw the prior submission and was informed by Mr. Mark Baranowski, owner of the North Park Lounge Field Club, that he did have that authority.

Mr. Charles Caputo, Caputo & Caputo, stated that the North Park Field Club is required to submit a land development plan per a Court Order.

Mr. Anderson advised that the original application for land development remains valid, but an extension of time is needed.

Mr. Baehr agreed to provide the necessary extension. He then informed that the First Commonwealth Bank, located at Wallace Road and Village Run Road, has agreed to allow the use of their parking lot for Cabana Bar valet parking. He acknowledged the need for a Conditional Use hearing for that matter. Mr. Baehr noted that he has met with Township staff is attempting to resolve the necessary issues. He stated that they realize they need to reduce the popularity and occupancy of the Cabana Bar and will do so by eliminating all radio advertising,

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N.P. LOUNGE/GRAZIE RESTAURANT/CABANA BAR – Revised Land Dev. (Continued)

the House DJ, radio advertising, the House DJ, karaoke, live radio remotes, and bands. He added that the sound system was downgraded and will be revamped to further reduce the volume. Mr. Baehr stated that if there are still problems after that, they will use the speakers only for a public announcement system. Mr. Baehr continued that Friday and Saturday night promotions and liquor and drink specials will be eliminated. He recognized that they are currently restricted to an occupancy of 324, although they will be seeking to increase that to 500 with the construction of additional bathroom facilities and the valet parking. Mr. Baehr acknowledged that North Park Lounge has realized the impact of the Cabana Bar on the neighborhood although they feel that the continuing use of off-duty police officers will significantly reduce objectionable issues in the neighborhood. He reiterated that they are attempting to diffuse the current adversarial relationship with the Township.

Mr. Caputo acknowledged that the lawsuit has complicated the requirements. He stated that he felt the current use has been previously granted as part of the original approval, although he acknowledged that operational issues exist. He advised that the current maximum capacity of 325 is a number provided by the Township, with which they are not in agreement. Mr. Caputo stated he has requested the method of calculation for that figure but this has not yet been provided.

Mr. Avolio clarified that the question of use is not part of the current discussion, although it may be the subject of future discussions.

Mr. Caputo acknowledged that accessibility is the current issues. He stated that the Township engineer's review indicated that on-site valet parking would not be permitted and they are, therefore, considering the 80 parking spaces at First Commonwealth Bank. Mr. Caputo remarked that they are attempting to submit an acceptable plan to resolve the issues.

Mr. Baehr advised they are now considering the northern end of the site for an accessible entrance. He distributed a sketch plan which indicated the driveway will be extended into a new cul-de-sac, which will provide the needed handicap parking.

Mr. Avolio opened the meeting to public comment on the accessibility plan.

Mr. John McAleer, 927 Park Plaza, commented that the proposed valet parking would encourage Cabana Bar patrons to travel through their community, which he would not be in favor of. He stated that the Cabana Bar patrons park their cars on the residential street now and their behavior when leaving the Cabana Bar is not acceptable. Mr. McAleer questioned how the Cabana Bar would keep an occupancy count.

Mr. Avolio reiterated that the Planning Commission is only reviewing accessibility that evening. He pointed out that many of the issues raised that evening should be addressed through continued enforcement.

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Mr. Stephen Kutlenios, 945 Park Plaza, submitted photos of tire tracks through his yard which he felt was committed by a bar patron. He suggested that closing the bar at midnight may reduce the community impact. Mr. Kutlenios also suggested that the presence of security personnel in the parking lot at closing time could be beneficial.

Mr. Joseph Nowak, 933 Park Plaza, expressed his concern that evening pool parties at the athletic club will create additional parking issues.

Mr. Dan Griffin, representative of the Oxford Athletic Club, acknowledged the concerns of the neighboring property owners, which he felt would be addressed under Mr. Baehr's May 12, 2008 correspondence. Mr. Griffin informed that only three graduation parties have scheduled use of the pool. He specified that no alcohol will be present and their use is restricted to 7:00 p.m. Mr. Griffin provided average week-end athletic club occupancy of 44 between 5:00 and 7:30 p.m. and 18 between 7:30 and 10:00 p.m., with weather influencing both the gym's and the Cabana Bar's use. Mr. Griffin stated that it is more economically feasible to reduce the number of bar patrons rather than install additional parking. He specified there are currently 382 parking spaces.

Ms. Miller-Yeakel questioned the operating hours of the athletic club.

Mr. Griffin advised that the athletic club is open to 10:00 p.m. on Fridays and 7:00 p.m. on Saturdays. Mr. Griffin expressed his opinion that valet parking will resolve many of the issues. He agreed that security in the parking lot would be beneficial.

Mrs. Lisa Marshall, 119 Oakhaven Drive, remarked that she was stunned at how it has become acceptable to discuss security when the Oxford Athletic Club was originally to be a private club. She asked where The Village at Pine recreational area will be located and then added her concern that the club is between two areas of recreation.

Mr. Richard Sarazen, 941 Park Plaza, stated that he cannot enjoy the use of their deck as Cabana Bar patrons park on their street and cross between the buildings. He added that his vehicle was blocked from access to his garage several times last summer by those patrons.

Mr. Avolio asked that Mr. Kurpakus review the parking and trespassing issues in the residential area.

Mr. Dennison pointed out that the accessibility plan is an improvement. He questioned if the cul-de-sac will be used for anything other than handicap parking and Mr. Baehr stated that it would not. Mr. Dennison questioned if the entrance on the south side of the property is handicap accessible and Mr. Baehr stated that it was only accessible to Oxford Athletic Club patrons.

Mr. Hansen felt that the six cul-de-sac parking spaces did not resolve anything. He expressed his understanding that all outside speakers were to have been removed.

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N.P. LOUNGE/GRAZIE RESTAURANT/CABANA BAR – Revised Land Dev. (Continued)

Mr. Caputo explained that Mr. Baranowski was informed that outside speakers were illegal, but they are not in agreement with the Township's position on that, although they will consider that issue as part of the final approval. He advised that the outside speakers have not been used yet this year, although it is their position that provisions can be made to reduce the impact. Mr. Caputo agreed to remove the speakers if the Code does not permit them or the impact cannot be lessened. He counseled that further Code interpretation is necessary.

Mr. Lombardo questioned if valet parking is permitted and Mr. Kurpakus advised that it is only as a Conditional Use approved by the Board. Mr. Lombardo questioned if restroom facilities are being added.

Mr. Baehr advised restroom facilities are being constructed under an Allegheny County Health Department permit and a Township building permit.

Ms. Miller-Yeakel suggested fencing be installed along the property line to restrict trespassing. She also suggested signage be used on the residential street specifying that only local traffic is permitted.

Mr. Baehr added that the installation of "Tow Away Zone" signs is being considered.

Mr. Avolio suggested that the applicant address more than one issue at a time. He remarked that stormwater management must be addressed and requested a sketch for a board on board fence to restrict trespassing.

Mr. Dennison stated that use of the property is the subject of the ongoing litigation and is not under the jurisdiction of the Planning Commission.

Mr. Caputo counseled that the Township cannot change the use of the property. He advised that he noted the remarks that evening and would appreciate any other residential input.

Motion was made by Mr. Lombardo and seconded by Ms. Miller-Yeakel to table consideration of the Cabana Bar Revised Land Development Plan, pursuant to the May 12, 2008 correspondence of Fritz Baehr, conditioned upon receipt of a letter of extension from the applicant. The aye vote on the motion was unanimous. Motion carried.

ADJOURNMENT

Motion was made by Mr. Welter and seconded by Ms. Miller-Yeakel to adjourn. The aye vote on the motion was unanimous. Motion carried.

The meeting adjourned at 10:10 p.m.