

THESE MINUTES ARE UNAPPROVED & CONSIDERED UNOFFICIAL UNTIL APPROVAL AT THE FOLLOWING MEETING.

MINUTES OF TOWNSHIP OF PINE PLANNING COMMISSION MEETING

Monday, April 13, 2009

Pine Township Municipal Building

This session of the Township of Pine Planning Commission was called to order at 7:05 p.m. by John Lombardo, Secretary.

Members in attendance were: Joel Dennison, John Lombardo, Garrin Welter, and R. Jeffrey McGeary. Also present were Larry Kurpakus, Director of Code Administration and Land Development; and Timothy R. McClelland, Lennon, Smith, Souleret Engineering, Inc.

There were five visitors present.

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

PLEDGE OF ALLEGIANCE

JOEL DENNISON

Mr. Lombardo expressed the Township's appreciation of Joel Dennison's five years of service on the Planning Commission.

MINUTES

Motion was made by Mr. Welter and seconded by Mr. McGeary to approve the minutes of the January 12, 2009 Planning Commission meeting. The aye vote on the motion was unanimous. Motion carried.

LUDWIG SUBDIVISION PLAN

Mr. Kurpakus reported that the Ludwig Subdivision Plan proposes the two lot subdivision of approximately 100 acres fronting on Babcock Boulevard, with transfer of Parcel "A" of 75 acres to the Allegheny Land Trust.

Mr. McClelland highlighted the Lennon Smith Souleret Engineering review of April 7, 2009 and noted that a 50 foot right-of-way must be indicated for Jackson Road.

Mr. Roy Kraynyk, Allegheny Land Trust, advised he was in attendance to represent the Ludwigs.

Mr. Dennison advised that in addition to the Lennon Smith Souleret comments, well and septic locations of the existing structure should be indicated on the plan.

Mr. Kurpakus advised that the applicant has agreed to address the issues.

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LUDWIG SUBDIVISION PLAN (Continued)

Motion was made by Mr. Dennison and seconded by Mr. Welter to recommend to the Board of Supervisors, preliminary and final approval of the Ludwig Subdivision Plan, pursuant to Drawings 1, 2, and 3, drawn by Tait Engineering on March 2, 2009 and revised April 1, 2009 with the following conditions: 1) Compliance with the April 7, 2009 review of Lennon Smith Souleret Engineering. 2) Recorded plan to delineate the location and required setbacks of the well and septic field on Lot 1. 3) Plan to indicate a 50 foot right-of-way on all public streets adjoining the plan. The aye vote on the motion was unanimous. Motion carried.

HIGHCROFT LEARNING CENTER

Mr. Kurpakus referred to his written summary of the Highcroft Learning Center. He specified that Robert Boudreau has requested permission to sponsor a summer concert series at the existing amphitheatre on Mt. Pleasant Road and the Board of Supervisors asked that the Planning Commission provide their recommendation. Mr. Kurpakus displayed the previously approved plan and noted that only the stage has been constructed. Mr. Kurpakus pointed out that the property is within the "E-1" Zoning District which allows a stage only as ancillary to a school use.

Mr. McClelland stated that no engineering review has been performed.

Mr. William Hansen, Highcroft Trustees President, stated that Mr. Boudreau was unable to attend that evening. He confirmed that they are seeking conditional approval for a limited number of concerts between Memorial Day and Labor Day, in an attempt to solicit funds for the learning center. He expressed their intent to adhere to the previous conditions of approval in regards to parking and sanitation.

Mr. Dennison remarked that the issue before them is unique because there is no formal plan before the Commission, other than the plan that was previously approved by the Township in late 1997. Mr. Dennison stated that the 1997 approved plan included a school with a performance stage as an accessory use, with the use of the stage being subject to certain conditions as set forth in the "Conclusions and Actions of the Board of Supervisors" from the September 1997 Conditional Use Hearing. Mr. Dennison stated that the stage was never intended as a stand-alone use and is not permitted as a stand-alone use in the "E-1" Zoning District under the zoning code as it existed in 1997 and that the use of the stage was specifically predicated on the development of a school on the property per the originally approved plan. He pointed out that the Planning Commission's purpose is to analyze and review plans for compliance with the Code and that the Planning Commission does not have the authority to provide special dispensation and could only make recommendations based on the submitted plans. He remarked on the lack of any new plan before them and that the analysis must therefore relate to the 1997 approved plan and the related June 1998 developer's agreement with respect to the stage. Mr. Dennison stated that the June 1998 developer's agreement allowed for a single outdoor music concert in 1998 until such time as the required traffic impact was paid. He questioned if the fee has been paid and Mr. Hansen stated he did not believe it had been. Mr.

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HIGHCROFT LEARNING CENTER (Continued)

Dennison expressed that the Planning Commission is not opposed to concerts on the site, but feel that the requirements of the conditional use and the previous approvals have not been met.

Mr. William Hansen explained that they need to promote their cause and seek funding through the concerts. He asked for specific guidelines under which the concerts could be held this summer without moving forward with the school construction, noting that the April 19, 1999 action of the Board permitted concerts and several were held at that time.

Mr. Dennison expressed his opinion that if the requirements of the prior approvals could not be met, then there was no use by right of the performance stage. As an alternative, Mr. Dennison suggested that the Township investigate the possibility of developing a special event permit with a set of criteria that can be considered for granting such a permit. He recommended that staff investigate developing such a policy.

Mrs. Linda Hansen, Highcroft Trustee, questioned if there is an expiration date for completing construction pursuant to an approved plan.

Mr. Dennison explained that the 1998 developers agreement related to Phase 1, which was development of the stage only. He advised that the Township Solicitor must provide further guidance in a situation like this, when one phase of an approved plan has been constructed, but the remainder of the plan has not. Mr. Dennison noted that the originally approved plan indicated the construction of a "school" as it is defined in the zoning code.

Mr. Kurpakus added that construction of the school will require an additional developer's agreement and bonding, although he did not believe it will require a resubmittal of the plan if the construction is to occur as indicated on the originally approved plan.

Mr. William Hansen questioned if concerts could be held this summer, if construction of the school is started before that time or if some type of music instruction is provided under the stage area to satisfy the "school" requirement.

Mr. Dennison noted that the definition of "school" must be taken from the zoning code as it existed in 1997 and, whether, in fact, private music instruction constituted a "school" may require an opinion from the Township Solicitor. He suggested that staff look at how other municipalities provide opportunity for special events. He also suggested that Highcroft consider other venues for the concerts, such as Township schools or the Community Park until such time as the conditions to the original approval can be met.

Mr. William Schlegel, an Adams Township resident, stated that Highcroft's intent appears to be positive, although he remains concerned due to its close proximity to his residence.

Mr. Dennison asked that Mr. Kurpakus review zoning specification to determine if any other use would permit a stage as an accessory use.

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HIGHCROFT LEARNING CENTER (Continued)

Mr. Lombardo stated that although formal recommendation would not be typical as no plan was presented, it was the consensus of the Planning Commission that Highcroft can pursue several options if they wish to conduct concerts at the site. The first option is to comply with the original approval, which requires the payment of a traffic impact fee, compliance with the conditions specified in the conditional use approval and construction of a school on the property. The second option is to submit a new land development application indicating the developer's present intent with respect to the property, which could include a primary use other than a "school", provided that a stage is a permitted accessory use to the primary use. The third is to review the Township ordinance for a special events provision which may accommodate the issue for the short term.

ADJOURNMENT

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

The meeting adjourned at 7:55 p.m.