

**THESE MINUTES ARE CONSIDERED UNOFFICIAL UNTIL THEIR APPROVAL AT THE FOLLOWING MEETING.
MINUTES OF TOWNSHIP OF PINE PLANNING COMMISSION MEETING**

Monday, January 11, 2010

Pine Township Municipal Building

This session of the Township of Pine Planning Commission was called to order at 7:10 p.m. by Pasquale Avolio.

Members in attendance were: Pasquale Avolio, Joel Dennison, Michael Hansen, John Lombardo, Shannon Miller-Yeakel, 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 approximately ten visitors present.

PLEDGE OF ALLEGIANCE

REORGANIZATION OF THE PLANNING COMMISSION FOR 2010

Motion was made by Mr. Dennison and seconded by Ms. Miller-Yeakel to nominate Pasquale Avolio as Chair of the Planning Commission for 2010. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Dennison and seconded by Ms. Miller-Yeakel to nominate Michael Hanson as Vice-Chair of the Planning Commission for 2010. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Dennison and seconded by Ms. Miller-Yeakel to nominate John Lombardo as Secretary of the Planning Commission for 2010. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Lombardo and seconded by Mr. Welter to set the times and dates for the 2010 Planning Commission meetings for the second Monday of each month at 7:00 p.m., with an agenda session beginning at 6:30 p.m. The aye vote on the motion was unanimous. Motion carried.

MINUTES

Motion was made by Mr. Welter and seconded by Mr. McGeary to approve the minutes of the December 14, 2009 Planning Commission meeting. The aye vote on the motion was unanimous with the exception of Mr. Avolio who abstained due to his absence at a portion of the meeting. Motion carried.

SILVER PINE (Sierra Pine)

Mr. Kurpakus reported that the Sierra Pine Subdivision has been renamed Silver Pine and the applicant has requested a sixty day time extension.

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SILVER PINE (Sierra Pine)

Motion was made by Mr. Dennison and seconded by Mr. Welter to table consideration of the Silver Pine Subdivision for sixty days. The aye vote on the motion was unanimous. Motion carried.

PINE CREST

Mr. Kurpakus reported that the Meritage Group is requesting final approval of Phase I of Pine Crest Planned Residential Development. He noted that stormwater and recreation provisions will be provided in the 39 lot phase.

Mr. McClelland referred to the January 7, 2010 Lennon Smith Souleret letter of review and listed four outstanding issues.

Mr. James Rumbaugh, Meritage Group, agreed to comply with the listed issues and expressed his intent to submit drawings indicating those revisions.

Mr. Hansen expressed his intent to vote against the submission as he felt the parcel offered to the Township as mitigation for removal of 122 trees of significance was favorable to the developer. Mr. Hansen explained his opinion that the parcel is useless for development and it is beneficial tax-wise to transfer ownership to the Township.

Mr. Avolio recalled that the tentative approval included a condition that sanitary sewer be extended to provide availability to adjacent properties.

Mr. Kurpakus advised that the plan indicates sewer extensions to the property lines of proposed development.

Mr. Rumbaugh specified that sanitary sewer is available to adjacent properties at four locations.

Motion was made by Mr. Dennison and seconded by Ms. Miller-Yeakel to recommend to the Board of Supervisors, final approval of Pine Crest Manor Planned Residential Development, Phase 1, pursuant to Record Plan 1 through 7; Drawings S-1 through S-26, ES-1 through ES-4, and CD-1 through CD-28; all drawn by KU Resources, Inc. and dated December 18, 2009, with the following conditions: 1) Compliance with the January 7, 2010 Lennon Smith Souleret Engineering letter of review. 2) Compliance with all conditions of preliminary approval. 3) Execution of a developer's agreement. The aye vote on the motion was unanimous with the exception of Mr. Hansen, who voted nay. Motion carried.

STONE & COMPANY

Mr. Kurpakus reminded that the Stone and Company was tabled at the December meeting.

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STONE & COMPANY (Continued)

Mr. Avolio observed that the applicant was not present. He noted that their meeting information included the Township Solicitor's December 30, 2009 legal opinion that although Code Section 84-11 (D) prohibits "concrete or asphalt batching plants" from being located anywhere within the Township, exclusionary zoning provisions are typically very difficult to enforce. Mr. Avolio also pointed out the Solicitor's opinion that if Code Section 84-11 (D) is repealed by the Board of Supervisors, the applicant's proposed use would likely be considered to fit within the Township's definition of "light manufacturing" and therefore be allowable as a conditional use (provided that the conditions set forth in Sections 84-60 and 84-137 are observed. Mr. Avolio explained that if the Township intends to move forward with consideration of this application, steps must be taken to address the Code prohibition of concrete batch plants as defined in Section 84-11. He stated that an amendment to the Code should be considered to address the prohibition, but he felt that performance standards must be reviewed to insure that the use will not create a negative impact on the district or surrounding properties.

Mr. Roger Boff, 323 Warrendale Road, questioned when the application will be addressed.

Mr. Avolio explained that the Township must act within 90 days, if no extension is provided by the applicant.

Mr. Dave Buttermore, Richland Township, stated that he owns the property adjacent to the subject property. He expressed his disbelief that a cement plant could be approved on property zoned as "light industrial".

Mr. Lombardo expressed his opinion that the Planning Commission should recommend denial of the application, as the developer chose to not appear that evening, without providing a written explanation or extension.

Mr. Avolio pointed out that the review period is still within the Municipalities Planning Code's stipulated 90-day time frame.

Ms. Miller-Yeakel added her opinion that as the applicant did not formally request that the application be tabled, denial was an option for the Planning Commission that evening. She added that based on the existing Code, the Planning Commission must recommend denial.

Mr. Avolio recommended that the application be tabled.

Mr. Hansen reminded that the applicant's attorney clearly stated that the submission is for a concrete plant, which is specifically prohibited by the Code.

Mr. Dennison added that the scale of operation appears to be much more than typically conducted from a 6,000 square foot building. Mr. Dennison stated that specifics on the ancillary use are also needed.

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STONE & COMPANY (Continued)

Mr. Avolio expressed his preference for tabling the application, as the Solicitor has advised that the existing Code is exclusionary and will put the Township in the position of defending either a positive or negative decision.

Mr. Hansen read the Code definition of "light manufacturing". He noted that an operation would not fit that definition if there is excessive noise or fumes. He then pointed out that the applicant admitted there will be water-carried waste at least once per year, as their stormwater system is only designed for a one-year storm.

Motion was made by Mr. Dennison and seconded by Mr. McGeary to table the Stone and Company submission and request that Township staff assist in identifying standards to be inserted in the Code for "light manufacturing" to address the accessory uses associated with light manufacturing uses. As there was not consensus, a roll call vote was taken with Mr. Dennison voting aye, Mr. Welter voting aye, Mr. Hansen voting nay, Mr. Avolio voting aye, Mr. Lombardo voting nay, Ms. Miller-Yeakel voting nay, and Mr. McGeary voting aye. Motion carried.

Mr. Matt Radinovic, Herbert Rowland and Grubic Engineering, referred to his January 11, 2009 correspondence. He explained he had compared the Stone and Company submission with the submission for an Oakmont batch plant with a similar site plan, even though that facility is not yet functioning. Mr. Radinovic expressed his opinion that the Oakmont submission indicates three times the number of concrete trucks that the Stone and Company's submission indicates.

Mr. Hansen questioned why the Oakmont information was used, as that plant is not yet in operation.

Mr. Radinovic explained that, typically, the applicant provides counts from three similar facilities, which HRG then uses to calculate the transportation impact fee. He noted that the Township can reject those, if it is felt they are not comparable.

Mr. Lombardo questioned if the applicant's traffic analysis includes trips for delivery of raw materials and Mr. Radinovic stated he did not believe that information was included, although it should be.

Mr. Avolio suggested that the trip generation be calculated after operation begins to insure accuracy.

Mr. Radinovic stated that such a facility is not a high traffic generator, but the use is a high impact due to the weight of the cement trucks and the trucks that will deliver their raw materials.

Mr. Kurpakus noted that Warrendale Road is a State road.

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STONE & COMPANY (Continued)

Mr. Kurpakus expressed his intent to forward the August 11, 2009 correspondence of Herbert, Rowland, & Grubic to Gibson-Thomas Engineering.

ADJOURNMENT

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

The meeting adjourned at 7:50 p.m.