

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

Monday, May 10, 2010

Pine Township Municipal Building

This session of the Township of Pine Planning Commission was called to order at 7:00 p.m. by Michael Hansen, Vice-Chair.

Members in attendance were: Michael Hansen, Vice-Chair; Joel Dennison; John Lombardo; R. Jeffrey McGeary; Shannon Miller-Yeakel; and Garrin Welter. Also present were Larry Kurpakus, Director of Code Administration and Land Development; and Timothy R. McClelland, Lennon, Smith, Souleret Engineering, Inc. The absence of Pasquale Avolio, Chair, was noted.

There were approximately 40 visitors present.

Mr. Hansen 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. Dennison and seconded by Ms. Miller-Yeakel to approve the minutes of the April 12, 2010 Planning Commission meeting. The aye vote on the motion was unanimous with the exception of Mr. McGeary who abstained due to his absence at that meeting. Motion carried.

THE VILLAGE AT PINE PRD, PHASE V, FINAL APPROVAL

Mr. Kurpakus noted that review of The Village at Pine PRD, Phase V, Final Approval was a continuation of the Planning Commission's April 12, 2010 review for 113 single-family residential lots on approximately 64 acres. Mr. Kurpakus then highlighted revisions made to the plan, reflecting the Planning Commission's prior review. Mr. Kurpakus noted that the requested rendering was provided, illustrating the Oakhaven homes in relation to the proposed home sites.

Mr. McClelland reported that the most recent review letter of Lennon Smith Souleret Engineering was dated May 10, 2010.

Mr. Don Trant, Trant Corporation, advised that the 40-foot perimeter buffer along the Oakhaven plan will not be disturbed by grading activity and an additional 20-foot buffer has been added as a conservation easement where no structures will be permitted. He advised that additional vegetation will be planted in the buffer zone bordering the Oakhaven properties. Mr. Trant then referred to a rendering of Oakhaven homes in relationship to proposed structures and provided the minimum distances at three locations. He added that each house is required to have an on-lot tree in the back yard and reforestation requires additional trees along the slope. Mr. Trant pointed out that there is an elevational difference of approximately 40 foot between

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Oakhaven and The Village site. He advised that recreational area paths will now be asphalt and on-street parking is provided throughout.

Mr. Steve Leonard, 211 Pine Cone Court, questioned if grading will occur in the 20-foot conservation easement and if the mature trees in that easement area will be removed. He stated his opinion that after reviewing the submission, it appears to be in compliance with the Town Center Tentative Plan, although it is a great deviation from current zoning. Mr. Leonard suggested that the Planning Commission therefore place greater importance on the Oakhaven resident concerns. He concluded by requesting that a large percentage of the buffer vegetation be evergreens.

Mr. William Marshall, 119 Oakhaven Drive, expressed his opinion that the proposal is in violation of Section Z. of the Tentative Approval, which specifically addresses density.

Mr. Kurpakus stated that he did not believe there is a violation, but would review the issue with the Solicitor.

Ms. Claire Schwarz, 121 Oakhaven Drive, expressed her concern with the wetlands, stating that it is a living body and is there for a cleansing purpose. She stated that on-street parking near the wetlands should not be permitted.

Mrs. Elaine Jewart, 111 Oakhaven Drive, stated that environmental and zoning laws continually improve and she believed the proposed plan was unacceptable under current standards.

Mrs. Lillian Kampas, 113 Oakhaven Drive, expressed concerns with density and light pollution. She explained that hers and the Jewart property drops off drastically and therefore, their view is of the ridge, which will be greatly impacted by the development. She remarked that the small bushes, proposed as mitigation of existing trees, will not be sufficient. She asked that fast growing pines be included in the buffer plantings.

Mrs. Karen Dionise, 120 Oakhaven Drive, remarked that the density is unacceptable. She then questioned who would enforce the restriction of structures in the 20-foot buffer zone.

Mr. Steve Leonard, 211 Pine Cone Court, asked that the 40-foot "no disturbance" buffer zone be well-defined to assure that it is not violated at the time of grading.

Mr. Tom Jewart, 111 Oakhaven Drive, stated that his family had not been aware that this development would occur, as they had been informed by their plan's developer that the area was a wetlands that would not be disturbed. Mr. Jewart stated that he walks back to the wetlands every day and development of the property will create the loss of an important part of his life.

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Mrs. Lisa Marshall, 119 Oakhaven Drive, questioned why Oakhaven residents should be so severely impacted by the development. She questioned the need for the structures to be located so closely to Oakhaven. She also questioned why the wetlands were mitigated at that location and now the developer is asking for a waiver due to its location. Mrs. Marshall questioned why Pine's high standards benefit all other residents, but them. She acknowledged the amenities the developer has provided, but stated that they are at the Oakhaven residents' expense. Mrs. Marshall concluded that the development will negatively impact the real estate value of Oakhaven homes.

Mr. Tom Jewart, 111 Oakhaven Drive, stated that no one ever consulted the Oakhaven residents about amenities The Village developer was proposing. He expressed his opinion that the waterfall does not benefit him in any way.

Mr. William Marshall, 119 Oakhaven Drive, expressed his concern that the buffer yard will be at risk. He questioned punitive damage if it is violated.

Mr. Dennison suggested that the on-street parking be removed around the wetlands as that would provide closer to the 50-foot buffer and remove the need to receive a waiver.

Mr. Daniel Gramc, Goehring Rutter Boehm, counseled that he was not positive that a waiver was needed. He stated that The Village at Pine is a master plan community and the road was planned for that location before the wetlands were mitigated. Mr. Gramc added that was why the Parks & Recreation Commission recommended a wetlands park. He pointed out that the parking area would be at least 40 feet from the greatest expansion of the wetlands.

Mr. Jay DiNucci, 207 Pine Cone Court, remarked that it appears the developer is proposing a plan that would not be approved under the current zoning code.

Mr. Dennison explained that the plan was approved under the zoning code in force at that time.

Mr. DiNucci stated that the Oakhaven residents are paying the price for corporate greed.

Mr. Dennison questioned if the developer would be willing to provide additional evergreens in the buffer and Mr. Trant replied that he would need to consult with the developer. Mr. Dennison questioned the streetlight specifications.

Mr. Kurpakus advised that cut-off type streetlights would be located approximately every 160 feet, as in Phase III.

Mr. Welter echoed Mr. Dennison's comments. He urged that the developer clearly delineate the buffer area with a very visible safety fence. He also supported additional vegetation for the buffer.

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Mr. Lombardo questioned if façade elevations were submitted.

Mr. Kurpakus reminded that elevations were submitted at last meeting.

Mr. Grady Gaspar, Ryan Homes, displayed elevations of the proposed housing.

Mr. Lombardo expressed his opinion that there were not enough rear entry garages. He questioned if guardrail would be installed around the detention pond and Mr. Trant replied that it would not, as the elevation is minimal.

Ms. Miller-Yeakel advised that a homeowners association will be responsible for enforcement of buffer yard requirements.

Mr. Kurpakus added that Township Code and the development's restrictive covenants would also provide enforcement.

Ms. Miller-Yeakel questioned the footcandles of the streetlights.

Mr. Trant explained that no photo-metrics were required as standard Township streetlights would be used.

Mr. McGeary asked that evergreens be planted in the buffer zones, rather than deciduous vegetation.

Mr. Hansen disagreed with Mr. Gramc's statement that the road was always indicated near the wetlands and that was justification for the location.

Mr. Gramc counseled that the Code does not prohibit the location of roadway within 50 feet of a wetlands. He explained that The Village is a Master Plan Community, with sequencing of activities, and the wetlands naturalization area was planned as part of the Master Plan. He added that at each time of review, the Master Plan and the road were indicated as they are this evening.

Mr. Hansen expressed his preference to preserve the nature of the area.

Mrs. Jewart questioned maintenance of the wetlands.

Mr. Gramc explained that maintenance will be the responsibility of the Phase V homeowner's association and The Village master homeowner's association.

Mrs. Lisa Marshall, 119 Oakhaven Drive, distributed current pictures of the wetlands, pointing out a dead tree in the middle and a lack of required re-vegetation. She also distributed a picture of the wetlands in the year 2000 and pointed out that it was substantially bigger at that

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time. Mrs. Marshall stated she has spoken with DEP in regard to the wetlands and they advised that it was to be revegetated and maintained, although it obviously has not been. She then stated that the majority of issues would be resolved if the park was relocated.

Mr. Gramc reminded that the existing wetlands was previously enlarged to mitigate other wetlands on the site.

Mr. Leonard asked that the wetland area be reduced so as to permit the proposed housing to be shifted to the west and away from the Oakhaven housing.

Mr. Gramc explained that is not an option, as the wetland specifications were issued by the Pennsylvania Department of Environmental Protection.

Mr. Dennison suggested delaying action on Modification #1, to permit disturbance in the 50-foot buffer of the wetland naturalization park.

Motion was made by Mr. Dennison and seconded by Mr. McGeary to recommend to the Board of Supervisors, approval of Modification #2 [78-49C.(1)] to waive the 50-foot "no disturbance" buffer in the area of the stream crossing. The aye vote on the motion was unanimous with the exception of Mr. Hansen, who abstained. Motion carried.

Motion was made by Mr. Dennison and seconded by Mr. Welter to recommend to the Board of Supervisors, approval of Modification #3 [84-125A.(10)] to approve 10-foot private stormwater easements, rather than the Code specified easement minimum of 20-foot. The aye vote on the motion was unanimous with the exception of Mr. Hansen, who abstained. Motion carried.

Motion was made by Mr. Dennison and seconded by Mr. Welter to recommend to the Board of Supervisors, that the developer be permitted to deviate from Township standards to permit the construction of sidewalk at Village Club Drive and the North Hills Racquet Club parking lot closer to the roadway, due to physical limitations. The aye vote on the motion was unanimous, with the exception of Mr. Hansen, who abstained. Motion carried.

Motion was made by Mr. Dennison and seconded by Mr. McGeary to recommend to the Board of Supervisors, partial approval of Modification #4 [84-120A.], to approve the construction of sidewalks on only one side of Umbellous Drive in the area of the wetland naturalization park and the rear of Lot 615/614 at the cul-de-sac. Motion was unanimous with the exception of Mr. Hansen, who opposed. Motion carried.

Motion was made by Mr. Dennison and seconded by Mr. McGeary to recommend to the Board of Supervisors, approval of Modification #5 [78-44E.] to approve a reduced K-value at a stop condition on Kestler Lane and Umbellous Drive. The aye vote on the motion was unanimous with the exception of Mr. Hansen who abstained. Motion carried.

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Motion was made by Mr. Dennison and seconded by Mr. Welter to recommend to the Board of Supervisors, a waiver to permit 2 to 1 cut slope at the border of Lots 587, 588, 589, 590, 593, 594, 595, 596, 597, 598, and 599. The aye vote on the motion was unanimous with the exception of Mr. Hansen who abstained. Motion carried.

Mr. Kurpakus explained that the slope will be steepened to achieve the 40-foot non-disturbance zone.

Mr. Dennison asked that the developer remove on-street parking on the roadway, near the wetlands, to closer observe the required 50-foot buffer.

Motion was made by Mr. Dennison and seconded by Ms. Yeakel-Miller to recommend to the Board of Supervisors, approval of Modification #2 [78-49C.(2)] to permit that the 50 foot "no disturbance" buffer be waived in the area of the wetland naturalization park only to the extent necessary after the on-street parking and streetwalk is removed. The aye vote on the motion was unanimous with the exception of Mr. Hansen who opposed.

Motion was made by Mr. Dennison and seconded by Ms. Yeakel-Miller to recommend to the Board of Supervisors, final approval of The Village at Pine, Phase V Planned Residential Development, pursuant to Cover Sheet, Drawings C-101, C-102, C-103, C-104, C-105, Sheet 1 of 6, Sheet 2 of 6, Sheet 3 of 6, Sheet 4 of 6, Sheet 5 of 6, Sheet 6 of 6, C-201, C-202, C-203, C-204, C-205, C-206, C-207, C-208, C-301, C-302, C-303, C-304, C-501, C-502, C-503, C-504, C-501, C-502, C-503, C-504, C-601, C-602, C-603, C-604, C-605, L-101, L-102, L-103, L-104, L-105, and L-106, all dated April 30, 2010; Drawings C-305, C-306, and C-307, all dated April 29, 2010; and Drawings C-801 and C-901, both dated April 7, 2010; all drawn by Trant Corporation, with the following conditions: 1) Compliance with the May 10, 2010 letter of review of Lennon Smith Souleret Engineering; 2) Developer to construct impressed asphalt crosswalks as per Township Code at all road intersections in Phase V; 3) Developer is to construct a temporary physical barrier along the 40 foot "no disturbance" buffer on the east side of the plan; 4) Developer is to enhance plantings in the designated conservation easement area along the rear of Lots 587 through 599 to the satisfaction of Township staff approval to include additional evergreen plantings in addition to that shown on the plan; 5) Elevation of homes, building materials, and percentage of brick are subject to Township staff approval and to be consistent with Phases III and IV; 6) Requirements for improvements for the Route 910 intersection are to be constructed as conditioned with the Phase IV approval or bonded before a grading permit is issued for Phase V. Also, the developer's possession of the required PennDOT Highway Occupancy Permit is to be verified before issuance of occupancy permits for residential units in Phase V; 7) Execution of a developer's agreement. The aye vote on the motion was unanimous with the exception of Mr. Hansen who opposed. Motion carried.

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HEURICH PROPERTY

Mr. Kurpakus reported that the Heurich Construction rezoning request is a continuation of the April review and revised drawings reflect comments of that review. He added that the Environmental Advisory Council reviewed the application and a recommendation for approval was provided.

Mr. Steven Victor, Victor-Wetzel Associates, introduced their legal counselor, Dan Gramc of Goehring Rutter & Boehm, and the property owner, Ron Heurich. Mr. Victor pointed out that this is the third review before the Planning Commission. He then displayed a road network plan which indicated access on Route 910, across from The Village at Pine, Phase V and at two locations on Brown Road. He noted there was no access onto Reynolds Road.

Mr. Welter questioned if a traffic study would be required.

Mr. Kurpakus explained that a traffic study would be required as part of a land development application process. He noted that PennDOT will also have requirements.

Mr. Thomas Neuendorffer, 130 Pineview Drive, questioned the number of homes that would be permitted.

Mr. Victor replied that would be unknown until a land development plan is prepared. He pointed out that townhouses would only be permitted in one area of the site, if rezoned, and that the density was significantly reduced from the first submittal.

Mr. Neuendorffer, 130 Pineview Drive, expressed concerns with stormwater runoff, traffic, and impact to the character of his neighborhood.

Ms. Meg Scanlon, 11066 Babcock Boulevard, questioned if a site walk was performed.

Mr. Kurpakus explained that it was not required as the request for rezoning was the only issue before the Planning Commission at the time.

Ms. Scanlon, 11066 Babcock Boulevard, questioned the size of the lots that would be adjacent to her property and Mr. Kurpakus again explained that a land development plan was not before the Planning Commission at this point. Ms. Scanlon added her concern with traffic on Brown Road.

Mrs. Gloria Schneider, 120 Pineview Drive, informed that her property is across the street from the 46 acres proposed to be rezoned from "R-1" to "R-2". She stated that approving the rezoning will be completely ignoring the people who enjoy the North Park property. Mrs. Schneider added that the Planning Commission should consider all of Allegheny County and the stream that enters North Park. She stated there were three springs on the subject property that feed the brook and stream and Mr. Heurich has covered these with a five or six-foot road to reach the three lots at the back of the property.

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HEURICH PROPERTY (Continued)

Mr. Robert Busted, 215 Pineview Drive, expressed his concern that this is the first step in a major development and action must occur at this point to prevent it. He expressed his concern that high density will impact the roads. He asked that consideration be given to the current traffic patterns in that area as they relate to Wexford Elementary on Brown Road and added his opinion that there should be only one access on Brown Road and two on Route 910. Mr. Busted stated that the Reynolds Road/Route 910 intersection should be corrected by the developer or the Township.

Mr. James Rossmiller, 191 Spruce Haven Drive, stated that Steve Victor assisted the Township with preparing the comprehensive plan. He questioned why the re-zoning wasn't part of that plan. He also questioned why additional townhouses are needed in the Township. Mr. Rossmiller stated that Reynolds Road should be aligned with Hill Road, although the property should remain "R-1".

Ms. Miller-Yeakel questioned if the Township has questioned Allegheny County about any impending upgrade of Reynolds Road.

Mr. Kurpakus stated he would need to review the Township's traffic improvements plan to see if the Reynolds Road/Route 910 intersection is addressed. He added that the Township would not make improvements to Reynolds Road or Brown Road, as they are Allegheny County roads.

Ms. Meg Scanlon, 11066 Babcock Boulevard, explained that she has property adjoining the subject property asked that it remain zoned "R-3", due to its proximity to North Park.

Mr. Welter questioned if a traffic study can dictate density.

Mr. Kurpakus explained that it would dictate required road improvements which may, in turn, reduce density to avoid the need for improvements.

Mr. Victor corrected Mr. Rossmiller's remark, clarifying that zoning revisions have occurred several times since his participation in the 1980's.

Mr. Dennison expressed his appreciation that a road layout, in relation to the topography, was presented. He assured the residents that the Planning Commission has similar concerns, and the issues will receive close scrutiny if the rezoning is approved and a development plan is submitted. He noted that the proposal is greatly improved from the original submission.

Mr. Hansen appealed to the Planning Commission members that the existing zoning is very fair and he felt there is absolutely no reason for it to be rezoned. He asked that the Planning Commission members consider the residents, not the developer.

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HEURICH PROPERTY (Continued)

Motion was made by Mr. Dennison and seconded by Mr. McGeary to recommend to the Board of Supervisors, final approval of the Heurich Construction request to rezone 17 acres from "R-1" to "R-3" and 46 acres to be rezoned from "R-1" to "R-2". As there was not consensus, a roll call vote was taken with Mr. Dennison voting aye, Mr. Welter voting nay, Mr. Hansen voting nay, Mr. Lombardo voting aye, Ms. Miller-Yeakel voting aye, and Mr. McGeary voting nay. Motion failed.

Mr. Kurpakus advised that the re-zoning request will be heard by the Board of Supervisors, at a public hearing, which will be legally advertised.

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 9:25 p.m.