

MINUTES OF TOWNSHIP OF PINE PLANNING COMMISSION MEETING

Monday, May 11, 2015

Pine Community Center

This session of the Township of Pine Planning Commission was called to order at 7:02 p.m. by Joel Dennison, Vice-Chair.

Members in attendance were: Joel Dennison, Vice-Chair; Steve Olshavsky; Garrin Welter; Jeffrey McGeary; and John Lombardo. Also present were Larry Kurpakus, Director of Code Administration and Land Development; and Dave Kovac, Lennon, Smith, Souleret Engineering, Inc. (LSSE).

There were 7 visitors present.

PLEDGE OF ALLEGIANCE

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

MINUTES

Motion was made by Mr. Welter and seconded by Mr. Lombardo to approve the minutes of the April 13, 2015 Planning Commission meeting. The aye vote on the motion was unanimous with the exception of Mr. Olshavsky who abstained as he was not in attendance at that meeting. Motion carried.

SPIRIT OF PINE CONDITIONAL USE AND SUBDIVISION

Mr. Kurpakus reported that FWH Development, LLC is proposing to develop five single family lots; one is existing, and 58 new townhome units on 37.8 acres in the B-1/R-2 Zoning District. The application was tabled at the April Planning Commission meeting to allow the developer to address outstanding comments.

Christopher Wulff of the Larson Design Group, the applicant engineer, stated that the plan has been revised to address outstanding comments and they are agreeable to the payment in lieu of parks and recreation and sidewalk construction; and the landscaping has been addressed to meet the EAC recommendation. Mr. Kurpakus added that LSSE has updated their review and the EAC has submitted their review. Mr. Kovac had nothing to add.

John Kunsak of 328 Warrendale Road who also owns 525 Wallace Road, 551 and 553 Graham Road and 352 Warrendale Road stated that he has concerns about the project, including traffic, utilities, and the two entrances and exits at the corner of his property. He believes that the roads will need to be widened and is concerned about the conditional use of a B-1 zoning district allowing townhouses next to his business property. Mr. Kunsak feels that his business will be impacted by the residential use of the property. Also, he does not want blasting to be done near his 100 year old buildings and is not willing to give easements for the project.

Mr. Dennison asked if any easements are being requested. Mr. Wulff replied that no easements are needed from Mr. Kunsak; the plan has been revised and does not include easements on the Kunsak property.

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Mr. McGeary asked why blasting is being considered. Mr. Wulff replied that blasting will shorten the amount time needed for excavation; and added that only the hardest materials will be blasted after being drilled.

Mr. McGeary asked if there are any concerns about neighboring buildings. Mr. Wulff replied that there are no concerns about the buildings.

Mr. Lombardo asked if they had received the permits from Turnpike Commission. Mr. Wulff replied that they have the permits from the State and did not believe any additional approvals were necessary from the Turnpike. Mr. Lombardo also asked if they have received permission from the neighbors. Mr. Wulff replied that they are waiting for approval from the Township before asking the neighbors for permission.

Mr. Welter asked about the building elevations, and Mr. Wulff replied that the elevations are typical of Ryan Homes' buildings and have been previously submitted. Mr. Kurpakus added that the building elevations are part of the record. Mr. Wulff added that the buildings will be staggered and the facades will be mingled.

Mr. Dennison asked for details of the homes, and Mr. Wulff replied that they will be comparable to the units constructed in the Village at Pine.

Mr. Lombardo asked if Mr. Sarver had granted an easement for stormwater. Mr. Wulff replied that Mr. Sarver has verbally agreed to the easements.

Mr. Kunsak asked if the detention ponds will be breeding areas for mosquitos. Mr. Wulff replied that the detention pond will drain within 72 hours per Township Code, and will not give mosquitos enough time to breed, Mr. Dennison agreed.

Mr. Wulff added that the trees planted on the 2:1 slopes will be 1 inch caliper trees rather than 3 inch trees since planting larger trees on the slopes is difficult. Because of the difference in price, more trees can be planted and will eventually mature into larger trees.

Mr. Dennison asked if it would be agreeable to the developer to add a dedicated 40 foot conservation easement along the southern property lines of the individual lots; this area is not buildable because of the set-backs. Fred Hespenheide of FWH Development, LLC answered that it would be fine, as long as it does not decrease lot size. Mr. Dennison added that a conservation easement will not decrease lot size; property owners will not be able to build in or remove trees in the easement.

Motion was made by Mr. McGeary and seconded by Mr. Welter to recommend the Board of Supervisors grant conditional use approval to the Spirit at Pine with the following conditions:

1. Developer to utilize the required mitigation trees to enhance the visual landscaping bufferyards along the Penn Power right-of-way utilizing 30 foot buffer planting requirements.
2. Review by Township staff of the proposed building elevations to be addressed in the Developer's Agreement.

The aye vote on the motion was unanimous with the exception of Mr. Lombardo who was opposed. Motion carried.

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Motion was made by Mr. Welter and seconded by Mr. Olshavsky to recommend the Board of Supervisors approve a waiver of Section 84-124 to allow 2:1 slopes with justification that the disturbance will be limited in area and the request is supported by the submitted geotechnical report. The aye vote on the motion was unanimous with the exception of Mr. Lombardo who was opposed. Motion carried.

A waiver of Section 48-17 to utilize blasting within 800 feet of a public road was denied for lack of motion.

Motion was made by Mr. Welter and seconded by Mr. McGeary to recommend the Board of Supervisors approve a waiver of Section 84-120 to allow a fee in lieu of construction for sidewalk along the entire length of Graham Road and for partial frontage of Wallace Road with justification that an existing mixed use trail is constructed along Graham Road and the existing topography along Wallace Road is prohibitive. The aye vote on the motion was unanimous with the exception of Mr. Lombardo who abstained. Motion carried.

Motion was made by Mr. Welter and seconded by Mr. Olshavsky to recommend the Board of Supervisors approve a waiver of Section 84-26 to allow grading within 50 feet of a wetland with justification that the disturbance will be limited in area and required for construction of the stormwater management system. The aye vote on the motion was unanimous with the exception of Mr. Lombardo who abstained. Motion carried.

Motion was made by Mr. Welter and seconded by Mr. Olshavsky to recommend the Board of Supervisors grant preliminary and final approval of the Spirit at Pine Land Development plan drawings C-000, SD-100, SD-101, SD-102, SD-103, C-100, C-101, C-102, C-200, C-201, C-202, C-300, C-301, C-302, C-303, C-304, C-400, C-401, C-402, C-403, C-404, C-500, C-501, C-502, C-503, C-700, C-701, C-702, C-703, C-800, C-801, C-802, C-803, C-804 and C-805 dated February 12, 2015 and revised April 29, 2015 and EAC-1, EAC-2, EAC-3 and EAC-4 dated September 23, 2014 and revised May 1, 2015 and prepared by Larson Design Group with the following conditions:

1. Compliance with the LSSE review letter dated May 11, 2015.
2. Compliance with the HRG review letter dated April 30, 2015.
3. Compliance with EAC recommendation with enhanced buffer planting to screen the Penn Power right-of-way.
4. Compliance with the Parks and Recreation recommendation.
5. Compliance with all conditions of the Conditional Use approval request.
6. Developer to provide a 40' conservation easement on the recording plan for lots 3, 4, and 5 and provide enhanced buffer planting along properties adjoining Montgomery Drive and Twin Oaks Drive with grandfathering of an existing structure.
7. Preparation of a standard Township Developer's Agreement.

The aye vote on the motion was unanimous with the exception of Mr. Lombardo who abstained. Motion carried.

EMERALD FIELDS P.R.D. PHASE 3 FINAL SUBDIVISION

Mr. Kurpakus reported that Pine Development Co. received tentative approval with conditions for a 5 phase, 201 lot Planned Residential Development on 276 acres along Mt. Pleasant Road on March 18, 2013. Phase 3 of the plan includes 49 lots and construction of the Franklin Road access, turning lanes and the installation of a traffic signal at Warrendale and Wallace Roads. The application is for final approval of Phase 3 only. There are minor outstanding items on the LSSE review letter dated May 4, 2015, and minor outstanding items on the HRG review letter dated May 1, 2015.

John Schleicher of Gibson-Thomas Engineering Co., Inc. stated that the plan is consistent with Phase 3. There will be 49 lots, and 19 undisturbed acres of open space. The difference is the elimination of one of the stormwater management BMP's. One facility has been made larger in order to eliminate the other, resulting in fewer disturbances. The EAC has given their recommendation to approve; there will be onsite mitigation where 6 acres will be disturbed. Minnock Drive will be connected to Franklin Road, the HOP has been applied for, they are working with Mr. Kunsak concerning driveway ingress and egress, and the outstanding items in the LSSE letter will be addressed.

Mr. Welter asked about the elimination of one of the detention ponds. Mr. Schleicher replied that since both facilities are along the same stream channel, water will discharge into upper facility. The new stormwater rate will be less than pre development rate. Mr. Welter agreed that they will be disturbing less area.

Motion was made by Mr. Welter and seconded by Mr. Lombardo to recommend the Board of Supervisors grant preliminary and final approval of the Emerald Fields Phase 3 development drawings Cover, EX-1, RP-1, RP-2, RP-3, RP-4, LD-1, CP-1, CP-2, CP-3, CP-4, CP-5, CP-6, CP-7, CP-8, CP-9 and LP-1 dated April 16, 2015 and prepared by Gibson-Thomas Engineering with the following conditions:

1. Compliance with the LSSE review letter dated May 4, 2015.
2. Preparation of a standard Township Developer's Agreement.
3. Compliance with the tentative approval dated March 18, 2013.
4. Compliance with the HRG review letter dated May 1, 2015.
5. Subject to the issuance of the PennDOT HOP

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

VINARSKI FINAL SUBDIVISION

Mr. Kurpakus reported that the purpose of the application is to subdivide Lot 116R in the Lake Macleod Plan into 2 separate parcels. Lot 116R was previously created by consolidating a portion of Lot 117 by subdivision approval on November 15, 2004. The proposed lots conform to the tentative approval for the Lake Macleod Development. There are minor outstanding items on the LSSE review letter dated May 1, 2015.

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David LaPearle of PVE Sheffler, the applicant engineer explained that the Vinarski's large lot was made by subdividing three lots into 2 larger lots. Now Mr. Vinarski would like to subdivide his larger lot into 2 smaller lots. The area of the lots conforms to the Lake Macleod PRD tentative approval.

Mr. Welter asked how many lots in Lake Macleod are the same size or smaller than the proposed lots. Mr. LaPearle replied that he did not know. Mr. Welter asked if any are smaller. Mr. LaPearle pointed out a couple of lots that might be close in size, but was not prepared to respond to Mr. Welter's question.

Sandeep Sharma of 533 Macleod Drive stated that he is a board member of the Lake Macleod homeowners' association. The homeowners' association received a request from Mr. and Mrs. Vinarski for a variance to subdivide their vacant lot located at 555 Macleod Drive per the Lake Macleod covenants. Per Article VII, Section 8.20 of the declaration of covenants further subdivision is prohibited without prior approval of the declarant and the township. Lake Macleod's HOA has denied the request and has given Mr. and Mrs. Vinarski 30 days to appeal and is requesting the Township deny the application.

Dr. Sharma explained that the proposed lots would be 8% smaller than the average lot around the lake. Only 3 other lots within the community are of similar size.

Mr. Welter asked how many lots are undeveloped and similar in size or smaller than the proposed lots. Dr. Sharma replied that several lots within the community are similar in size, but these lots are not around the lake.

Mr. Welter asked what weight the HOA carries, and what their recourse would be. Dr. Sharma replied that the HOA may reserve their right to litigation.

John Herron of 551 Macleod Drive stated that his home was designed based on the neighboring lot being a large single family lot. The value of his house will decline if the large lot is subdivided into two smaller lots.

Mr. Dennison asked Dr. Sharma to clarify who the declarant is. Dr. Sharma replied that the declarant is the HOA.

The Board took a couple of minutes to read three letters presented by Dr. Sharma and Dr. Herron.

Mr. Welter asked how many lots remain in the plan, as this will affect the value of the lots. Dr. Sharma replied that there are approximately 11 lots, 2 of them are on the lake. He and Dr. Herron added that the lots around lake are or exceed one acre.

Mr. LaPearle stated that Mr. and Mrs. Vinarski are concerned that the lot may potentially be at the upper reaches of a reasonable price for the development if left at 1.77 acres.

Mr. Welter asked who would benefit from the subdivision other than Mr. and Mrs. Vinarski. Mr. LaPearle replied that if the lot is made into 2 lots the township would have 2 houses, rather than 1, he does not know of any other benefits or detriments.

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Mr. Olshavsky asked if Mr. and Mrs. Vinarski have 30 days to appeal the HOA's decision. Dr. Sharma replied that they are appealing at a meeting tonight to be held at 8:30.

Dr. Sharma added that although the HOA would receive extra revenue, it would be negligible; having one home on a large lot is consistent with the character of the neighborhood.

Mr. Dennison stated that the lots meet the township's numerical requirements of the tentative approval. In addition, the township considers softer requirements, is it consistent with the municipal planning code requirements? Subdividing the lot may adversely affect the adjoining properties, his personal thought is the two proposed lots are too small to be consistent with neighboring lots, but the one large lot may be too expensive, and may have to sit longer.

Dr. Herron added that the large lot has been sold twice, and an offer has been made per the HOA. Mr. LaPearle asked if the offers were equal. Mr. Lombardo replied that an offer is an offer.

Mr. Welter stated that he is conflicted. The plan has been around for a while; there are lots that haven't been sold which affect the value of the homes, subdividing will also adversely affect the value. Only one person will benefit from subdividing, therefore he cannot support it. He believes that the township required the developer's agreement which required the formation of the HOA. Subdivision is to be approved first by the HOA and then by the township.

Motion was made by Mr. Lombardo and seconded by Mr. Welter to recommend the Board of Supervisors deny preliminary and final approval of the Vinarski Plan No.1 drawing S-100 dated April 1, 2015 and prepared by PVE Sheffler because the modification has been shown to adversely affect the planned residential development; and solely confers a special benefit to the applicant.

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

DEWEY PROPERTY AGRICULTURAL SECURITY AREA INCLUSION

Mr. Kurpakus reported that Ryan and Elissa Dewey are requesting the Township allow a 57 acre un-developed parcel located at 2050 Old State Road to be included as an Agricultural Security Area in the Township of Pine. The parcel is located in the E-1 zoning district which includes agriculture as a use by right.

Motion was made by Mr. Welter and seconded by Mr. Olshavsky to recommend the Board of Supervisors grant preliminary and final approval of the modification of the Agricultural Security Area within the Township of Pine to include a 57 acre undeveloped parcel located at 2050 Old State Road. The aye vote on the motion was unanimous. Motion carried.

ADJOURNMENT

Motion was made by Mr. Welter and seconded by Mr. McGeary to adjourn the meeting. The aye vote on the motion was unanimous. Motion carried. The meeting adjourned at 8:06 p.m.