

MINUTES OF TOWNSHIP OF PINE PLANNING COMMISSION MEETING

Monday, September 14, 2015

Pine Community Center

This session of the Township of Pine Planning Commission was called to order at 7:03 p.m. by Michael Hansen, Chair.

Members in attendance were: Michael Hansen, Chair; Garrin Welter; Steve Olshavsky; Jeffrey McGeary; John Lombardo; and Renee Evans. Also present were Larry Kurpakus, Director of Code Administration and Land Development; and Kevin Brett, Lennon, Smith, Souleret Engineering, Inc. (LSSE).

There were 17 visitors present.

PLEDGE OF ALLEGIANCE

Mr. Hansen 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. McGeary to approve the minutes of the August 10, 2015 Planning Commission meeting. The aye vote on the motion was unanimous with the exception of Mr. Hansen who abstained as he was not in attendance at that meeting. Motion carried.

BROOKFIELD ESTATES CONDITIONAL USE AND SUBDIVISION

Mr. Kurpakus reported that Eddy Land Company is proposing a 34 lot residential patio home development on two parcels totaling 11.63 acres located along Swinderman Road. A new Township cul-de-sac street is proposed to serve 26 lots with an additional 8 lots fronting Swinderman Road and accessed from a 16' private access alley. Patio home development is a conditional use in the C-2 Zoning District and subject to the specified criteria of section 84-74 of Township Code. The project includes stormwater management, landscaping, and pedestrian improvements. The developer is also proposing extension of the street walk to connect to the existing street walk at Wallace Road to meet the Parks and Recreation requirements.

The application includes two waiver requests summarized in the application. The first is a request to allow a 2:1 slope in specified areas to limit disturbance of the existing wetlands and preserve woodlands. The second request is to allow disturbance within 50 feet of an existing wetland for the construction of the stormwater management pond, utility line installation and road right-of-way and lot grading near lots 8, 9 & 10.

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John Schleicher of Gibson-Thomas Engineering, the applicant's engineer, stated that the project is 11.63 acres located on the east side of Swinderman Road in the C-2, Planned Transition zoning district. The property is also within the TCDO, CDC and Greenway overlay districts. They are proposing 34 patio homes. Mr. Schleicher stated fewer units are proposed than permitted by Code due to environmental and physical constraints. The central portion has a wetland; which will be made a focal point. Eight of the units will face Swinderman Road. The plan will have a one-way private driveway, a stormwater facility in the central portion of the site, extensive landscaping, and a water feature. A patio home is defined as having a first floor living, cooking, and master bedroom and a 2 car garage. Mr. Schleicher stated they have met the seven criteria identified in 84-74 of the Code.

Troy Baer of 207 Briar Hill Court whose property is adjacent to the proposed plan stated that in the past he was notified a month in advance. This time he was not given as much advanced notice; he asked if there a procedure to notify homeowners.

Mr. Baer went on to say that the developer has already cleared 12 acres. Mr. Baer gave the planning commission members copies of Township Code Chapter 84 Section 19 and Section 74. Mr. Baer explained that in 84-19.A the Code states that the purpose of the C-2 Planned Transition District is to include a mixture of uses such that serve the adjacent neighborhood and the community as a whole and still establish an ambience that reflects the character of the Township of Pine. He does not believe that squeezing 34 patio homes into that area meets that criteria. The homes will attract young families with children, which is not desirable for the school district. Mr. Baer asked if the covenants will specify that the community is for residents 55 and older. Mr. Schleicher replied that they did not.

Mr. Baer directed the planning commission members to page 2 of his handout that specified lot width requirements, and page 3 that described exceptions to lot width for individual carriage homes. Mr. Baer explained that on the last page of the handout it states that 15% of the land area shall be designated as common open space. Mr. Baer stated that he believes that the detention pond and wetland, and the road and grassy areas around the houses do not count as open space.

Mr. Hansen replied that the township has an engineer and staff to review plans and identify items that need to be addressed per Code. Mr. Hansen stated the planning commission received a letter from LSSE today citing zoning, subdivision grading and stormwater issues. Many of the deficiencies have been identified.

Mr. Baer added that he has spoken to attorneys about the conservation district, grading permits, and an E&S control plan. Mr. Baer stated silt fences are required to prevent runoff, and wetland encroachment analysis and stormwater permits are required. Mr. Hansen replied that development is subject to all these requirements.

Mr. Baer asked if a permit is needed for the work that has been done. Mr. Kurpakus replied that no permit is needed for mowing brush. Building or grading permits will not be issued until confirmation of approval by entities like the DEP, Allegheny County Planning, and PennDOT is received.

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Mr. Baer added that he believes the price of the units will be around \$250,000 and retirees will not purchase them. They will be purchased by families with school-age children. The township should communicate with the school board when making decisions that will affect the school district financially. Mr. Hansen replied that the township does communicate with the school district.

Mr. Baer commented that the developer has already cleared the property before any permits could be issued; and is advertising homes for sale online before the development is even approved. Mr. Hansen replied that the property owner is allowed to develop the property as long as it meets the township requirements.

Mr. Baer stated that his concern is the process; the developer has cleared the property before it was even approved. He asked what would happen if it would turn commercial again. In addition Mr. Baer stated that he hopes that the Board of Supervisors considers student numbers when approving plans. Mr. Welter replied that he has sat on planning boards for the school district, and the school district would be able to accommodate more students.

Mr. Olshavsky asked about the width of the driveway coming off of Swinderman Road. Mr. Schleicher replied that it is 16 feet wide. The width is adequate for a one-way street. By keeping the driveway narrow, the units will not be set too far back and the community will have the township's vision of a streetscape. Mr. Olshavsky added that he is concerned about the driveway size, and asked where visitors will park. Mr. Schleicher replied that off street parking will be provided in the revised plan. Mr. Welter stated that he agrees that the width of the driveway is an issue; room is needed for emergency vehicles to pass cars parked on the street. Emergency vehicles need to be able to access the homes in the center of the plan.

Mr. Welter added that the plan also needs better pedestrian connections; people need safe places to walk in the TCDO overlay. Mr. Schleicher replied that the landscaping plan shows sidewalks on both sides of the road, along Swinderman and walking trails. The Parks & Recreation plan shows a proposed sidewalk along Swinderman Road through the Knights of Columbus property with their permission.

Mr. Welter asked how many homes were proposed when presented at the informal review. Mr. Schleicher replied that there were 35 homes proposed at the informal review. Changes were made to avoid disturbing the wetlands; the wetlands will be designated as an open area. Mr. Welter added that he is against any type of wetland encroachment. He walked the site months back and believes that there has been serious wetland encroachment in the past¹. He would like the plan revised to include a 50 foot buffer around the wetlands. Mr. Schleicher replied that they have requested a waiver to disturb within the 50 foot wetland setback, to follow the letter of Code will render site undevelopable.

¹Mr. Welter asked that "in the past" be added to his statement at the 10/12/15 Planning Commission Meeting

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Mr. Lombardo asked Mr. Kurpakus if the parcel was subject to a land development plan by Best Tile. Mr. Kurpakus replied that it was. Mr. Lombardo reminded everyone that two separate commercial buildings were approved for Best Tile. Mr. Lombardo added that the driveway needs to be wider, and there should be no encroachments on wetlands. He asked Mr. Schleicher if the property is in a flood plain. Mr. Schleicher replied that he didn't think so, but will check with FEMA.

Mr. McGeary stated that he is also concerned with the width of the driveway and pedestrian access. Additional parking for landscapers and other guests needs to be added.

Mrs. Evans suggested adding additional parking or access from the parking located on Brookfield Drive. Mr. Schleicher replied that the area contains wetlands and a drainage course, neighboring properties discharge onto this site and it would be difficult to cross. Mrs. Evans replied that people will try to cut through, and the driveway in front should be wider because people will park along it.

Mr. Hansen asked Mr. Schleicher if he had received the EAC report. Mr. Schleicher replied that he did. Mr. Hansen added that he would favor wetland waiver requests for utilities, but not for the building of homes. Mr. Schleicher replied that the development will not encroach up to wetland; it will be around the whole perimeter. Mr. Hansen reminded Mr. Schleicher that Township Code is stricter than DEP requirements.

Mr. Hansen asked if people can park on the street between the driveways. Mr. Schleicher replied no, not as it is designed, but it can be changed. In addition, guest parking areas with 3-4 spaces can be added to the middle and each end of the plan. Mr. Hansen asked if more sidewalks could be added. Mr. Schleicher replied that there is a sidewalk to Swinderman Road and stub sidewalks could be added.

Mr. Lombardo asked who will maintain the private drive. Mr. Schleicher replied that it will be the homeowners' association's responsibility. The units will be maintenance-free, and it will be the responsibility of the HOA to maintain the trees and shrubs, benches, water feature, etc. Mr. Welter asked if there will be a maintenance fee. Mr. Schleicher replied that there will be a monthly maintenance fee.

Motion was made by Mr. Welter and seconded by Mr. McGeary to recommend the Board of Supervisors grant conditional use approval to Brookfield Estates. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Welter and seconded by Mr. McGeary to table the subdivision application. The aye vote on the motion was unanimous. Motion carried.

Mr. Kurpakus announced that the conditional use once scheduled will be presented to the Board of Supervisors, and adjoiner notifications will be sent out. Mr. McGeary added that this is the most important meeting and asked if everyone understood the timing.

WHITETAIL CROSSING SUBDIVISION

Mr. Kurpakus reported that Dave Tessmer of 300 Pinkerton Road has applied for a 13 lot residential standard subdivision on a 21.39 acres parcel located at 220 Pinkerton Road. Mr. Tessmer is proposing a new Township cul-de-sac street to serve 8 lots with an additional 5 lots fronting Pinkerton Road. The existing home and accessory structures will be removed during development. Single family residential is a permitted use in the R-1/S-1 Zoning districts. The project includes stormwater management, landscaping and pedestrian improvements.

Mr. Hansen stated that it is highly likely that this subdivision will be tabled as well to allow the EAC and Parks and Recreation to complete their written recommendations.

Mike Rahenkamp of Tait Engineering, the applicant's engineer stated that Mr. Tessmer resides north and adjacent to the property on a separate 21 acre property. The plan has eleven full 1 acre lots as required by R-1 zoning and two lots that are 4 and 5 acres with conservation easements. The sensitive areas of the site are beyond the development, as they tried to avoid affecting any natural resources. Development will stay far from the water course and wetlands, except sanitary sewer lines and stormwater discharge. He stated that he has received the engineer's comments, and intends to address these comments. Mr. Rahenkamp added that he understands that it may be tabled tonight due to the engineer's comments and the EAC's report.

Gregory Kaminski, 609 Trillium Court stated that he would like to have the same conservation easement that is on the north of the property to be on the south. Mr. Rahenkamp replied that they needed to provide minimum of 10 feet per Code, they can't provide a 20 foot easement without affecting the lots and the design of the detention basin. The basin has a big footprint; it will be landscaped and will blend into the wooded area. He asked if the drainage easement and conservation easement could be consolidated. Mr. Kurpakus replied that there is no harm in including the conservation easement with the drainage easement.

Mr. Hansen asked if construction is permitted on a conservation easement. Mr. Kurpakus replied that a conservation easement's purpose is to maintain what is developed or existing and it limits future property owner's use. A conservation easement can be incorporated on the recording plan. He will also explore options to maintain the buffer. Mr. Hansen added that they will find a way to make it work.

Mr. Rahenkamp explained that the basin was located by the existing steep slopes; it is the best low lying area, without going into Brush Creek. The basin will be cut into the hill to balance the earthwork; Mr. Tessmer added that there will be minimal excavation.

Mr. Welter asked about the quantity of existing vegetation. Mr. Rahenkamp replied that according to the tree survey there are 1,000 trees, and 250 of them will be disturbed. The large lots will have large wooded areas.

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Judy Massucci of 613 Trillium Court asked if the trees behind her property will remain. Mr. Rahenkamp replied that they will be cleared to run utilities. Ms. Massucci asked if the area where sewer will run will be cleared. Mr. Rahenkamp replied that it would, but trees will be added back to area. Mr. Hansen added that it will be cleared, revegetated, and will not be allowed to be cleared in future.

Ms. Massucci stated that a hiking trail exists down to a brook, and wanted to know if it could be maintained. Mr. Hansen replied that Parks & Recreation recommended connecting a trail to the township property to the south. Ms. Massucci added that the former owner used to maintain the trail. Mr. Tessmer replied that the trail is an old fire trail and it does not go to the creek; in addition the future property owner may not want it to go through his property. Mr. Hansen replied that Parks and Recreation suggested that the trail be extended to township property, off Scarlet Circle and eventually to Emerald Fields. Mr. Tessmer replied that it could be done. Ms. Massucci disagreed and added that the trail goes through a wooded area to the creek. Mr. Kurpakus replied that the developer is proposing a stormwater access to the pond. It is reasonable to incorporate a pedestrian easement where the existing trail is. Mr. Kaminski replied that the trail is an old gas line; it was not designed to be a trail. A better alternative would be to plant trees.

Sarah Kant of 617 Trillium Court asked how traffic will be managed when construction starts as there is a bus stop nearby. Mr. Hansen asked if there were any issues during Emerald Fields' construction. Mrs. Kant replied that when Pinkerton Road was connected to Emerald Fields large signs were posted prohibiting construction traffic. Mr. Hansen replied that limitations will be put in place; the developer will work with township staff. Mr. Kurpakus added that there will be standard limitations in the developer's agreement; and added if there are any issues to call the police or the township.

Mrs. Kant added that she is concerned about the wildlife losing their habitat. Mr. Hansen replied that it is an unfortunate part of progress. The township does not designate wildlife habitat, but the township does own undeveloped land close-by. Mrs. Kant added that conservation easements are natural highways for wildlife between undeveloped areas.

John Harpur of 601 Trillium Court located at the corner of Pinkerton Road and Trillium Court asked about the notification process. He said that he received his letter on Saturday, and felt unprepared and a little disadvantaged. Mr. Harpur asked what the cost of homes would be. Mr. Tessmer replied that the lots will cost \$175,000 and the price of houses will range between \$600,000 and \$900,000.

Mr. Harpur asked where the houses will be located. Mr. Rahenkamp replied that the houses on the proposed plan are conceptual. The house locations won't be determined until the lots are purchased. The zoning district sets minimum building line setbacks at 40 feet for the front yard, 20 feet for the side yards, and 50 feet for the back yards.

Mr. Harpur asked if there will be a green space. Mr. Kurpakus replied that the plan includes undisturbed areas with conservation easements. Mr. Harpur asked how many trees or rows of trees would be within a 20 foot conservation easement. Mr. Rahenkamp replied that there will be one row of trees.

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Mr. Harpur is concerned that the two parallel roads, a situation not found anywhere else in the township, will affect his home value. Roads that are that close should be heavily wooded; 20 feet or one row of trees is not enough, multiple rows of trees are needed.

Ronald Hefner of 211 Pinkerton Road stated that Rabold Fields was not built in compliance; rubble sat on the side of road, and the people performing the construction were not cooperative. He added that he is concerned about the five homes along Pinkerton; the township needs to be more diligent about construction blocking the road. In addition, Mr. Hefner stated that Mr. Tessmer's side of the development has a huge conservation easement, but the southern end does not. Mr. Hefner questioned if this property is large enough for development. Mr. Kurpakus replied that it does meet Township Code.

James McEvoy of 410 Pinkerton Road asked if the township owned land near Mr. Tessmer's property. Mr. Kurpakus replied that the township owns land south of Mr. Tessmer's property. Mr. McEvoy asked if there was access to the township's property. Mr. Kurpakus replied that there is access from Scarlet Circle. Mr. McEvoy asked if there is access for future development of Mr. Tessmer's 20 acre parcel to the north of the subject property. Mr. Kurpakus and Mr. Tessmer replied that there is adequate access from Pinkerton Road.

Mr. McEvoy asked if the houses will be consistent with Woodland Farms. Mr. Kurpakus replied that the plan will have its own covenants. Mr. McEvoy suggested that all of the proposed houses could face the new road.

Mr. Lombardo asked if plantings are planned for the center of the cul-de-sac. Mr. Rahenkamp replied that they are. Mr. Lombardo questioned why the cul-de-sac is 9-shaped. Mr. Rahenkamp replied that is the way it came to be, it worked out like a jigsaw puzzle. Mr. Lombardo observed that it would be difficult to plow. Mr. Rahenkamp suggested that the pavement width could be increased to 26 feet. He would consider other turning templates.

Mr. Welter asked to confirm the price of the homes. Mr. Tessmer replied that homes will be priced between \$600,000 and \$900,000. Mr. Welter questioned why most of lots are one acre and two of the lots are 4 acres. Mr. Rahenkamp replied that the 2 large parcels have conservation easements, which is more acceptable to the township. Mr. Welter added that he would like to see hefty buffering on the south side of lot 1 between the homes that back up to it along Trillium Court.

Mr. Hansen stated that he would like to incorporate the trail to township property. Also, he would like to shift the clearing north to conserve existing woodlands, and put the conservation easement on the undisturbed area; he added that he understands the concerns of the residents who live along the southern boundary. Mr. Rahenkamp replied that it can't be done; they will have to replant the trees that are to be removed. Mr. Hansen asked that they try to make it work.

Mr. Welter suggested decreasing the width of the lots and shifting the plan north. Mr. Kurpakus suggested widening the detention pond. Mr. Rahenkamp replied that he will take their suggestions into consideration and will explore other alternatives. He does not want to adversely affect lot 13; they strategically placed it as best as they could.

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Cheryl Jesiolowski of 301 Pinkerton Road asked if a safety barrier would be placed around the detention pond. Mr. Kurpakus replied that no fencing is required for dry ponds. In addition, the pond has 3 to 1 slopes, and is walkable.

Mrs. Jesiolowski asked if the islands on Pinkerton Road will be taken out. Mr. Hansen replied that they would not be removed.

Motion was made by Mr. McGeary and seconded by Mrs. Evans to table the subdivision application. The aye vote on the motion was unanimous. Motion carried.

Mr. Kurpakus added that the subdivision will be presented again at the next Planning Commission meeting on Monday, October 12, 2015.

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 8:44 p.m.