

MINUTES OF TOWNSHIP OF PINE PLANNING COMMISSION MEETING

Monday, March 14, 2016

Pine Community Center

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

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

There were approximately 45 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 February 8, 2016 Planning Commission meeting. The aye vote on the motion was unanimous. Motion carried.

LUDWIG PLAN - REVISED SUBDIVISION

Mr. Kurpakus reported Dr. Marti Ludwig is proposing the creation of a 3 lot standard subdivision on property located at 10780 Babcock Boulevard. The existing residence will remain as lot 1-A and two additional 7 acre single family residential lots will be created for future home construction. There are minor outstanding items remaining on the LSSE review letter dated February 29, 2016.

Motion was made by Mr. Welter and seconded by Mr. McGeary to recommend the Board of Supervisors grant preliminary and final approval of the Ludwig Plan - Revised subdivision drawing Sheet 1 of 1 dated 2/5/16 and prepared by Tait Engineering, Inc. with the following conditions:

1. Compliance with the LSSE review letter dated February 29, 2016.

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

ALDERWOOD PHASE 2 P.R.D. SUBDIVISION

Mr. Kurpakus reported the Alderwood PRD received tentative approval on July 18, 2006. Phase 1 of the development was approved in 2007 and is currently developed. Phase 4 was granted final approval in October, 2015. The developer is requesting final approval of Phase 4 as the next phase of development. Phase 2 includes the 35 Patio home lots approved with the PRD. There are several minor outstanding items noted on the LSSE review letter dated March 7, 2016.

The applicant engineer Jonathan Garczewski of Gateway Engineers stated the lots have been widened and one lot has been added on the end; the lot count remains the same.

Mr. Firek stated the roadway cross-section detail, concrete sidewalk detail and the bituminous wedge curb detail do not match the most current Township standard details and has been noted in the review letter.

Motion was made by Mr. McGeary and seconded by Mr. Welter to recommend the Board of Supervisors grant final approval of the Alderwood Phase 2 PRD drawings C000, C051, C052, C053, C101 through C104, C501 through C506, C601 through C604, L101, L601 and 3 sheets of Recording Plan dated 2/19/16 and prepared by Gateway Engineers with the following conditions:

1. Compliance with the LSSE Review Letter dated March 7, 2016
2. Compliance with all conditions of the tentative approval dated July 18, 2006
3. Preparation of a standard Township Developer's Agreement.

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

SMOOTHIE KING LAND DEVELOPMENT

Mr. Kurpakus reported The Pittsburgh Kingdom, LLC is proposing the construction of a 1,078 sq./ft. retail drive through restaurant with associated parking, landscaping and stormwater management at 11199 Perry Highway. The site is accessed from an existing curb cut constructed with the Route 19 widening project. The parcel is vacant and was previously used as a used car lot and notary service. There are minor outstanding items noted on the LSSE review letter dated February 29, 2016. There are no outstanding items noted on the HRG review letter dated 2/25/16.

The application includes 3 modification requests requiring action. These include grading slopes at 2:1, reducing the buffer planting to the adjacent commercial uses and allowing for drive through stacking spaces in front of adjoining parking spaces.

The applicant engineer Jeff Berneburg of McIlvried, DiDiano & Mox, LLC showed where building will sit, and described the landscaping, pavement, and low volume driveway that fronts Perry Highway. He described the stacking spaces in the front; and explained the site has more parking than it needs since it is a drive through. He stated the drive through restaurant is the best fit for the ½ acre parcel, and it will be a flagship for the northeastern United States. The building materials include brick, stucco, and painted planking; aluminum around the windows; a metal bridge; and window enhancements on the front of the building.

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Mr. Welter stated he had two items to discuss; one is enhancing the area with buffer plantings, and the other is the percent of drive through business for parking considerations. Mr. Berneburg replied business inside the building would be minimal. Customers who want to view displays and purchase snacks will go inside, the majority, approximately 85%, will be drive through customers. Mr. Welter requested the parking spots to be slanted which would make them more accessible.

Mr. Lombardo stated he wanted to clarify approval of signs and advertisements on the windows was not being made at this time.

Mr. Olshavsky stated in order to minimize the number of people who would get parked in, the parking spaces need to be angled and some parking spaces need to be eliminated. Mr. Berneburg agreed and replied the parking spaces will be used by employees since the business is a drive through.

Mr. McGeary stated the building material must meet Township Code, and would be made part of the approval and subject to a building plan review.

Mr. Hansen stated parking is a concern and asked Mr. Berneburg to point out where customers would place orders. Using the plan drawings Mr. Berneburg explained the ordering and parking areas to Mr. Hansen. Hansen suggested eliminating some parking spaces in exchange for green space or outdoor seating, and asked if Mr. Berneburg considered parallel parking. Mr. Berneburg replied that due to the width of a typical drive through lane and bypass lane, 2-3 parking spaces would have to be eliminated. Mr. Hansen replied 11 parking spaces would be acceptable per Township Code. Mr. Kurpakus stated future parking needs should be taken into consideration. Mr. Hansen replied eleven parking spaces would meet Code. Mr. Berneburg replied he would speak to the owner concerning angled parking and the removal of 2 parking spaces.

Mr. Hansen asked Mr. Kurpakus if the building materials met Code. Mr. Kurpakus replied there was not enough detail provided. Mr. Hansen asked if the design and building materials were part of corporate branding. Mr. Berneburg replied that they are.

Mr. Hansen asked Mr. Firek if the proposal for the slopes was acceptable. Mr. Firek replied that it was.

Motion was made by Mr. Lombardo and seconded by Mr. McGeary to recommend the Board of Supervisors grant a waiver of section 48-18 A to allow 2:1 slopes with condition that enhanced plantings be provided at the top of the slope to further buffer the residential properties to the west. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Lombardo and seconded by Mr. Welter to recommend the Board of Supervisors grant a modification to section 84-111 B to allow the applicant to utilize existing buffer planting along the north and south property line. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Lombardo and seconded by Mr. Olshavsky to recommend the Board of Supervisors grant a modification to section 84-117 B to allow drive through stacking spaces to adjoin parking spaces with the condition the developer remove a minimum of 2 spaces

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along the east portion of the building and explore angled parking. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Lombardo and seconded by Mr. Welter to recommend the Board of Supervisors grant preliminary and final approval of the Smoothie King Land development plan drawings CS, 1 of 1, SP101, SP201, SP301, C101, C102, C201, C301, C401, C501, ES-1, ES-2 and ES-3 dated 1/8/16 and prepared by McIlvried, DiDiano & Mox, LLC, A-11 dated 1/22/16 and prepared by Smoothie King Franchises, Inc. and two Elevation drawings prepared by Smoothie King Franchises with the following conditions:

1. Compliance with the LSSE review letter dated February 29, 2016
2. Compliance with the HRG review letter dated February 25, 2016
3. Any proposed rooftop mechanical units to be screened from street view
4. Building signage not included in the land development approval and to be reviewed for Code compliance and permitted separately
5. Building materials are to be compliant with Code and reviewed by Township staff
6. Preparation of standard Township Developer's Agreement
7. Modification of the proposed parking plan to include removal of 2 spaces within the drive through stacking lane and explore angled parking

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

VILLAGE AT PINE PRD AMENDMENT NO. 1 – PHASE 6

Mr. Kurpakus reported Gigliotti Holding, L.P. is proposing an amendment to the Village at Pine P.R.D. to include an additional 28.8 acre parcel to the east for the construction of an additional 41 single family residential lots with two street extensions to be known as Phase 6. The submission has been reviewed for compliance with the tentative approval granted April 6, 1999 including modifications, as well as Township Code requirements.

Daniel F. Gramc of Goehring, Rutter & Boehm the applicant's attorney introduced himself and the applicant's engineer, Donald Trant of Trant Corporation. Mr. Gramc stated although it previously complied they have amended the plan and have made it better. Mr. Gramc stated this section is in the Town Center Overlay District, and is not a standard PRD, it is zoned for this purpose, and the developer is taking advantage of the zoning. Mr. Gramc added standard PRD conditions do not apply, town center conditions apply. The zoning is stringent for commercial development, and the ordinance was written that way for this property; and the Village at Pine is the only one area in the township that can be developed this way.

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Mr. Gramc pointed out the 40' buffer to the west, and stated it will be completely untouched as requested, he added a mistake on sheet C204 still shows cross cut profiles from the old plan, but the buffer is not to be touched. Mr. Gramc pointed out the 40' buffer to the east and a 20' conservation easement which will equal a 60' buffer, more than what is required in this zoning district. Mr. Gramc explained a connection road was previously shown as a paper street off of the cul-de-sac and now is shown as a fully constructed stub road to the property line. The developer has designed and will build a road for connection as required by subdivision ordinance. Access needs to be provided to the adjacent 14 acre parcel, and the stub road is only for future development. Mr. Gramc stated the cul-de-sac to the east has been downsized to limit disturbance.

Steve Leonard, 211 Pine Cone Court, introduced himself as the representative from the Coalition of Homeowners Bordering the Village at Pine Phase VI Expansion. Mr. Leonard stated the homeowner coalition finds the revision to the original Phase VI proposal insufficient and does not adequately respond to the coalition's concerns and Code violations.

Mr. Leonard stated he and his wife have walked the parcel and believe it to be difficult to build on due to its slopes, gas lines and significant wetlands. He added the proposal requiring significant grading with steep slopes behind the homes with up to a 46' vertical drop bears this out. In addition this would not be in keeping with the original TC PRD tentative approval of 1999 and underscores the township's goal of adequately protecting the natural environment as the development will cause undue removal of trees and woodlands, and require excessive grading.

Mr. Leonard stated in an attempt to maximize the number of homes the developer has proposed a steep slope up to the 14 acre property at 110 Hill Road. This outer boundary of the TC PRD where it interfaces with the residential character should be more robust and conform to Code Section 84-50 which dictates the buffer must be a minimum of 80'.

Mr. Leonard stated the proposal is not within Code because it does not provide the 80' buffer and it exceeds 50 homes on a cul-de-sac. Mr. Leonard added the proposed spur road will not be usable for some time subjecting the Village at Pine road infrastructure to additional traffic for the foreseeable future. Mr. Leonard stated the developer should change the design to include a 40' undisturbed buffer along the entire eastern edge of Phase VI including the jog at the corner. The proposed 20' conservation easement does not appease him. Mr. Leonard stated more people are getting involved and will counter potential development that will affect them. The coalition will oppose any unjustified Cranberry-like development in the Township of Pine. Mr. Leonard added the plan should not be submitted to the Board of Supervisors in its current form.

Mr. Hansen stated he originally voted against the plan and would vote against it again because 62 homes are proposed on a cul-de-sac when only 50 are allowed by Code. Mr. Gramc replied according to the definition of a cul-de-sac, the cul-de-sac is measured from the end to the nearest intersecting street, and they should consider the street they propose to build. Mr. Gramc added no staff or engineering comments were made concerning the number of homes on the cul-

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de-sac; comments have only been made by the residents. Mr. Gramc stated the homes on the straight street must be excluded and that would be 51 or 52 homes on the cul-de-sac. Mr. Gramc added this does not violate the cul-de-sac requirement, and is not a creative argument. Mr. Hansen replied that he respectfully disagrees; Code requires an alternative egress in case of an emergency situation. Mr. Gramc replied that he disagrees, and there will always be traffic at the entrance. Mr. Hansen replied if the stub road continued out he would agree.

Mr. Gramc stated a 40' buffer is a major concession, and the undisturbed buffer is a concession for Oakhaven because many of the existing homes are very close to the property line. Mr. Gramc added the disturbance will not have a major impact on the homes in the Village.

Mr. McGeary stated he is not in favor of 50 houses on a cul-de-sac, and the road should extend out in the event of an emergency. Mr. Olshavsky stated he agreed there should not be 50 homes on the cul-de-sac.

Mr. Lombardo stated this is a unique development and the 40' perimeter buffer on the eastern side should be increased as a concession to the residents

Mr. Welter stated he did not support the plan before, and appreciates the developer's revisions, but they have not gone far enough. Mr. Welter stated the developer's efforts, in trying to maximize the number of lots in an already congested area, are excessive – evidenced by the majority of requested modifications. Mr. Welter stated proposed plan additions would be at the expense of existing area homeowners. Mr. Welter added he greatly appreciates and respects the attendees' logic and intelligent concerns and the relay of them. Mr. Welter stated he does not support the proposed plan as the cul-de-sac has more than 50 homes and does not meet Code.

Diane Berger, 120 Kestler Drive stated the developer is maximizing space and the 40' buffer does not extend behind her house. Houses built on lots 631 and 632 will be in the green space; the developer cannot re-deed green space to someone else.

Elaine Jewart, 111 Oakhaven Drive asked if the children in the development will have a place to play. She added the yards are small and they need a playground. She asked if the Township has given up on the developer building playgrounds. Mr. Kurpakus replied the original tentative approval allowed for a maximum of 500 homes. Tom Jewart, 111 Oakhaven Drive added not having playgrounds is a safety issue, the area has high density and the kids play in the street.

Kathleen Newport, 781 Village Club Drive stated the kids play in the street because the soccer field has not been built. She added the developer has not delivered what was promised. Mr. Kurpakus replied construction has not started on two of the main parks approved with the plan.

Daniel McDowell, 217 Gander Drive stated the urban density looks like it should be in a city. He asked if there has been further discussion about the Sunoco pipeline and added residents would be more comfortable hearing Sunoco's comments. Mr. Gramc replied a discussion with Sunoco concerning the easement is the developer's responsibility and Sunoco must approve anything that affects their easement.

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Jonathan Cooper, 116 Kestler Drive asked if the community will receive additional amenities like walking trails in exchange for the additional houses. Mr. Cooper asked if there is a time table for the playgrounds to be built. Mr. Kurpakus replied there is no timeline, however the project is bonded and must be completed before Eddie Lewis Drive is taken over by the Township.

Mr. Lombardo stated he wanted the minutes to reflect why the planning commission will be denying the development, adding the reasons are too many houses on a cul-de-sac and lacked effort to address the bufferyard concerns.

Mr. Kurpakus stated a public hearing has been advertised for the Board of Supervisors' meeting for next Monday, March 21, 2016.

Motion was made by Mr. Welter and seconded by Mr. Lombardo to recommend the Board of Supervisors deny revised tentative approval and final approval of the Village at Pine PRD Amendment No.1 phase 6 development. The aye vote on the motion was unanimous. Motion carried.

ADJOURNMENT

Motion was made by Mr. McGeary and seconded by Mr. Welter to adjourn the meeting. The aye vote on the motion was unanimous. Motion carried. The meeting adjourned at 8:04 p.m.