

MINUTES OF TOWNSHIP OF PINE PLANNING COMMISSION MEETING

Monday, July 11, 2016

Pine Community Center

This session of the Township of Pine Planning Commission was called to order at 7:04 p.m. by Michael Hansen, Chair.

Members in attendance were: Michael Hansen, Chair; Joel Dennison, Vice Chair; Steve Olshavsky; John Lombardo; and Renee Evans. Also present were Larry Kurpakus, Director of Code Administration and Land Development; and Robert Firek, Lennon, Smith, Souleret Engineering, Inc. (LSSE).

There were approximately 25 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.

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Motion was made by Mr. Dennison and seconded by Mr. Olshavsky to approve the minutes of the June 13, 2016 Planning Commission meeting. The aye vote on the motion was unanimous with the exception of Mr. Lombardo who abstained as he was not in attendance at that meeting. Motion carried.

THE VILLAS OF ENGLISH FARMS SUBDIVISION

Mr. Kurpakus reported the Villas of English Farms, L.P. is proposing a 23 lot standard subdivision on 25.9 acres. Access to the development will be from a new Township road connection to English Road. The Planning Commission recommended preliminary subdivision approval, with conditions, at their February 8, 2016 meeting for a similar 18 lot plan that provided connection to the English Farms neighborhood along with an off-site improvement to connect English Farms to the Twin Oaks plan. The plan has been re-submitted under new application to address comments raised by the Township Board of Supervisors. There are minor outstanding items noted on the LSSE review letter dated July 7, 2016.

The applicant engineer David Lucci of Victor-Wetzel Associates stated the previous plan had been recommended by the planning commission but the Board of Supervisors had issues with it, including road connection and tree mitigation. Mr. Lucci stated he is back with a new plan that is 25.8 acres in size with English Road on the east, Fox Meadow to the south, Pine Acres to the west, and English Farms to the north. The developer has a purchase agreement to acquire all of the property owned by the Schurkos. Mr. Lucci showed where the existing driveway and woods are located, and explained a drainage swale runs along the northerly property line and how the property drains. Mr. Lucci gave a PowerPoint presentation showing the slopes and the drainage channel, the cul-de-sac connection to English Road, the tree survey plan, the landscape plan, the grading and utility plan, slope disturbance, stream and wetland disturbance, and the four waiver requests.

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Michael Geubtner, 272 Fox Meadow Drive, questioned the slopes to the south. Mr. Lucci explained the cut slopes. Mr. Geubtner showed the location of his house and stated there is a swale on his property. Mr. Lucci explained the southern lots will slope toward the new road. Mr. Geubtner asked if a bufferyard should be part of the new development. Mr. Lucci explained the township requires planting in the buffer area which is part of the proposed lots.

Mark Woodburn, 107 English Farm Drive, asked what type of homes will be built. Mr. Lucci replied they have not chosen a builder, but the homes will be priced over \$400,000 based on the lot size proposed.

Wayne Juchno, 264 Fox Meadow Drive, asked if they are aware of the underground streams and the large amounts of water that come off of the hill. He asked how the water will flow toward the street if the area is disturbed. Mr. Hansen asked what an underground stream is, and Mr. Lucci replied they are springs; and the developer will be cutting and directing the surface water north toward the road.

Mr. Juchno stated taking out the vegetation will aggravate the situation. Mr. Lucci replied there are no trees in that area and Mr. Juchno disagreed. Mr. Juchno questioned the placement of the street trees as they are a hazard for driving and Mr. Lucci replied they required by township ordinance. Mr. Juchno questioned if there will be a hillside, and Mr. Lucci replied it will slope toward the road. Mr. Juchno asked if there will be any traffic improvements, and Mr. Hansen replied they are not required. Mr. Juchno asked if a traffic study was done and Mr. Kurpakus replied it was not required. Mr. Juchno replied the area is getting congested.

Jon Carlson, 252 Fox Meadow Drive stated he wanted to clarify that none of the forestry along his back property line will be disturbed. Mr. Lucci replied the existing trees are to remain. Mr. Carlson showed a picture of his backyard and asked what defines a tree. Mr. Lucci replied a tree has a canopy. Mr. Carlson stated he has a lot of trees that are approximately 15' tall and having them gives him privacy. Mr. Lucci replied if the trees are on Mr. Carlson's property they will not be disturbed. Mr. Carlson stated the trees are crucial for privacy. Mr. Hansen and Mr. Dennison replied the trees behind Mr. Carlson's property are in an area designated to be left undisturbed and the trees will remain. Mr. Carlson stated a geotechnical evaluation was requested at the last meeting. Mr. Dennison and Mr. Hansen added one of the planning commission's conditions for approval was a geotechnical evaluation of water conditions to be provided by the developer. Mr. Dennison stated the revised plan is an improvement over the last plan because of the slopes. Mr. Carlson added he would like a professional to review the report.

Eric Batykefer, 256 Fox Meadow Drive, showed where he lives and stated the plan shows twelve trees are to be planted. Mr. Batykefer questioned the trees being planted since there are existing trees where the proposed trees are shown. Mr. Lucci replied the trees will be added onto the developer's property. Mr. Batykefer questioned if the trees at the back of his property will be removed. Mr. Hansen replied trees will not be taken out and more trees will be planted on developer's property for screening. Mr. Lucci stated there are two areas in the development where that will occur. Mr. Hansen asked what type of tree will be planted. Mr. Lucci replied they will be 6' evergreens. Mr. Hansen asked Mr. Batykefer if this was acceptable. Mr. Batykefer replied that he does not want the existing trees to be disturbed and would like the developer to plant more trees.

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Mr. Woodburn asked if the new plans could be mailed to the residents of English Farms. Mr. Kurpakus stated plans are available to view at the township office or a pdf version of the plan can be emailed upon request.

John Moschitta, 248 Fox Meadow Drive stated he strongly recommends having a geotechnical study done. Mr. Moschitta asked how tall the trees in the reforested areas would be. Mr. Lucci replied the trees would be 1.5" caliber; younger trees thrive better on steep slopes. Mr. Moschitta questioned what could change the anticipated house locations shown on sheet 9. Mr. Kurpakus replied the building setbacks would affect the building limits. Mr. Lucci added the size of the house would also be a factor.

Mr. Geubtner asked what the remediation plan for trees that do not survive is. Mr. Lucci replied there is usually a 1 year warranty, but the final plans will dictate what it will be. Mr. Kurpakus added the township requires bonding until the roads are maintained by the township and this happens when 75% of the homes have been constructed, and it usually takes over a year. Mr. Hansen asked how trees would be replaced. Mr. Kurpakus replied the township would enforce replacing trees according to the engineer's review. Mr. Geubtner stated the maximum amount of time for trees to be replaced would probably be one year and Mr. Kurpakus agreed. Mr. Geubtner asked what areas will be disturbed, and showed where a spring is located. Mr. Lucci replied the area where the spring is located will be graded. Mr. Geubtner stated there is a swale and asked how it would be handled. Mr. Lucci replied there will be draining toward the road.

Mr. Juchno asked what will happen with the water coming from the side of the hill onto some of the southern lots. Mr. Lucci replied it will not change. Mr. Juchno stated this is an opportunity to fix the problem of the water coming from the side of the hill.

Michael Musillo, 100 Davison Drive, asked how the grading will be done on lot 12. Mr. Lucci replied lot 12 will have a cut slope and drain toward road. Mr. Musillo asked if the trees planted by the developer will be owned by the person who purchases the lot. Mr. Lucci replied the trees will be planted prior to purchase and will be owned by the lot owner. Mr. Musillo questioned the evergreen plantings. Mr. Lucci replied they are required by the township.

Mr. Dennison stated the sidewalk along English Road should be shown to extend to the property line. Mr. Lucci replied a grading easement is needed to put the sidewalk to the farthest end of property. Mr. Dennison stated for the purpose of the plan the sidewalk should be shown to extend to the end of the property. Mr. Dennison added the planning commission is requesting lots 11, 12, 43, have a 40' conservation easement in the backyards. Once trees are planted there they will be there forever.

Mr. Olshavsky questioned the existing drainage on the east side of the property where the road is proposed. Mr. Lucci replied a culvert pipe will be placed under the new road and they will need to obtain permits to do so.

Mr. Hansen asked how the trees of significance were determined since the two areas of significance approved by the EAC complied with the old plan. Mr. Hansen added the areas of disturbance have changed and the sampling areas do not represent them. Mr. Lucci replied the areas were chosen because they are different types of woods - old and new, and the EAC review is based on the total disturbance. Mr. Lucci explained the number of trees of significance has increased because area of disturbance has increased. Mr. Hansen replied they may need to have

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the EAC review the plan again. Mr. Lucci showed the areas of sampling the EAC agreed to use. Mr. Hansen replied the developer is going deeper into the canopy area. Mr. Lucci stated the amount of trees of significance is based on the acres of disturbance. Mr. Kurpakus stated this proposal is preliminary only and it could be submitted back to the EAC. Mr. Dennison asked if his chart was approved by the EAC. Mr. Lucci replied the EAC gave them a number and it has been used for this plan.

Mr. Hansen asked Mr. Firek if the 2:1 slopes are acceptable. Mr. Firek replied they are acceptable pending a review of the submitted geotechnical report. Mr. Dennison stated the waivers for the wetland disturbance and the slope disturbances are related to the stream crossing and the roadway connection to English Road.

Motion was made by Mr. Dennison and seconded by Mr. Olshavsky to recommend the Board of Supervisors grant a waiver of section 78-38B to allow 2:1 slopes to limit disturbance of existing woodlands with condition that additional plantings meeting section 78-48(D) of the Code be provided on the slopes for woodland mitigation and subject to a geotechnical report. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Dennison and seconded by Mr. Olshavsky to recommend the Board of Supervisors grant a waiver of section 78-49C to allow disturbance within 50' of a wetland for the purpose of a public road crossing and utility line construction. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Dennison and seconded by Mrs. Evans to recommend the Board of Supervisors grant a waiver of section 78-48C to allow 60% disturbance of 15%-25% slopes due to road connection to English Road. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Dennison and seconded by Mr. Olshavsky to recommend the Board of Supervisors grant a waiver of section 84-124A to allow disturbance of 40% and greater slopes due to road connection to English Road. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Dennison and seconded by Mr. Lombardo to recommend the Board of Supervisors grant preliminary approval of the Villas of English Farms subdivision plan drawings Cover, SHT-2 through SHT-9 dated 6/1/7/16 and prepared by Victor-Wetzel Associates and C701 and C702 dated June 2016 and prepared by Gateway Engineers with the following conditions:

1. Compliance with the LSSE review letter dated July 7, 2016
2. Compliance with the Parks and Recreation recommendation dated 11/10/15 to provide payment in lieu of recreation facilities in the amount of \$23,000 (\$1,000 per lot)
3. Developer to seek further review and update the EAC recommendation of 12/7/15 to correct the trees of significance to be mitigated per disturbed wooded acre
4. Developer to provide a geotechnical evaluation for Township review of the sub-surface water conditions along Lots 14-23 and provide recommendation for mitigation if deemed necessary

5. Final Recording Plan to include a 40' conservation easement adjoining the Fox Meadow, English Farms and Pine Acres plans
6. Developer to show sidewalk fronting English Road and extending to property lines

The aye vote on the motion was unanimous. Motion carried. Mr. Kurpakus stated the EAC review and the Parks and Recreation report for the Villas of English Farms subdivision will be updated.

BROOKFIELD ESTATES FINAL SUBDIVISION

Mr. Kurpakus reported Eddy Land Company is proposing a final 38 unit carriage home development on two parcels totaling 11.6 acres located along Swinderman Road. A new Township cul-de-sac street is proposed to serve 31 lots with an additional 7 lots fronting Swinderman Road. The plan was granted conditional use approval and preliminary subdivision approval with conditions by the Board of Supervisors at their January 19, 2016 meeting. There are minor outstanding items noted on the LSSE review letter dated July 7, 2016.

The applicant engineer John Schleicher of Gibson-Thomas Engineering stated the plan has been before planning commission three times and described each submission to give a history of the submission. Mr. Schleicher explained the development has come back tonight for final approval because the sale of the additional 6 acres has not gone through. Mr. Schleicher added if and when the issues are resolved it may be changed. Mr. Schleicher stated the developer is requesting final approval based on 38 lots as approved by planning commission previously. Mr. Schleicher added they have complied with or intend to comply with the six conditions given by the Board of Supervisors and will add a right-of-way and a utility/grading easement to the Knights of Columbus property.

Mr. Hansen asked Mr. Kurpakus if the conditions added by the Board of Supervisors need to be redone. Mr. Kurpakus replied they do not. Mr. Dennison asked what the easement for the Knights of Columbus property was for. Mr. Schleicher replied it was for grading utility and access. Mr. Hansen stated nothing has really changed since preliminary approval, and Mr. Schleicher agreed.

Motion was made by Mr. Lombardo and seconded by Mr. Dennison to recommend the Board of Supervisors grant final approval of the Brookfield Estates subdivision plan drawings Cover, EX-1, RP-1, LD-1, CP-1, CP-2, CP-3, LP-1, REC-1, and SWM-1 through SWM-6, dated 6/24/16 and prepared by Gibson-Thomas Engineering with the following conditions:

1. Compliance with Conditional Use approval dated January 19, 2016
2. Compliance with the Preliminary approval dated January 19, 2016
3. Compliance with the LSSE review letter dated July 7, 2016
4. Preparation of a standard Township Developer's Agreement
5. Final recording plan includes road right of way extension and utility and grading easements to the former Knights of Columbus property

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

ADJOURNMENT

Motion was made by Mr. Dennison and seconded by Mr. Lombardo to adjourn the meeting. The aye vote on the motion was unanimous. Motion carried. The meeting adjourned at 8:05 p.m.