

## MINUTES OF TOWNSHIP OF PINE PLANNING COMMISSION MEETING

Monday, July 9, 2018

Pine Community Center

This session of the Township of Pine Planning Commission was called to order at 7:05 p.m. by Michael Hansen, Chair.

Members in attendance were: Michael Hansen, Chair; Garrin Welter, Vice Chair; Jeffrey McGeary; John Lombardo and Renee Evans. Also present were Larry Kurpakus, Director of Code Administration and Land Development; Gary Gushard, Township Solicitor and Dave Kovac, Lennon, Smith, Souleret Engineering, Inc. (LSSE).

There were approximately 35 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 May 14, 2018 Planning Commission meeting. The aye vote on the motion was unanimous except for Mr. Lombardo and Mrs. Evans who abstained as they were not in attendance at that meeting. Motion carried.

Motion was made by Mr. McGeary and seconded by Mr. Lombardo to approve the minutes of the June 11, 2018 Planning Commission meeting. The aye vote on the motion was unanimous except for Mr. Hansen who abstained as he was not in attendance at that meeting. Motion carried.

### OLD BUSINESS

#### TRINITY PLACE PRELIMINARY & FINAL SUBDIVISION PLAN

Mr. Kurpakus reported Trinity Place, LLC is proposing an 11- lot single family residential development on 27 acres in the E-1 Zoning District. Section §84-26.1 Public Infrastructure Improvement Overlay District (PIIOD) allows single family lots to be a minimum of 1 acre in size when public utilities are extended or designed to serve off site properties not currently served by public utilities. The developer is proposing extension of the sewer line to serve up to 5 off-site homes not currently served by public sewers. A project site walk was performed on 6/2/18 and the EAC has recommended mitigation of 349 trees of significance. The Parks and Recreation Commission recommends a payment in lieu of construction with the value established at \$11,100. There are minor outstanding comments in the LSSE review letter dated July 5, 2018. Planning Commission tabled the application at the last meeting to allow the applicant to address outstanding engineering comments and the Parks and Recreation Committee to complete their review of the application and provide their recommendations.

The applicant engineer Michael Tomasavich of Gateway Engineers explained the plan was presented last month and the front setback has been revised to 100' along Babcock Boulevard to provide the required distance in the Greenway Overlay District. He added the sanitary sewer line has been extended to service the three southern adjacent lots and has also been extended to the

TOWNSHIP OF PINE PLANNING COMMISSION

MEETING MINUTES

July 9, 2018

Page | 2

north to satisfy the PIIOD overlay requirement. Mr. Tomasavich stated the landscaping plan has been revised per the EAC comments, adding the mitigation of 349 trees will be met with a one to one ratio. Mr. Tomasavich requested the plan be approved upon the contingency of the outstanding comments in the LSSE letter being addressed.

Eric Griffin, 124 Northbrook Drive, distributed a letter citing his concerns to the planning commission members. He explained his property abuts the proposed Trinity Place subdivision and that he had spoken at last month's meeting about the placement of the sewer line. Mr. Griffin stated he is concerned about the preservation of mature trees within his property located along the property line. He added clearing for the sanitary sewer line will eliminate the green space buffer zone and will damage the root systems of existing mature trees on his property. Mr. Griffin stated he wants to preserve the value of his property by retaining the mature trees and asked if the decision could be tabled.

Mr. Welter asked Mr. Griffin where his property is located, and Mr. Griffin showed the location and explained it is located where most of the sewer line will be placed. Mr. McGeary asked about the plantings along the property line. Mr. Tomasavich showed where the sanitary line will be and explained 20' will have to be cleared for the easement and will be replanted with clusters of trees. Mr. McGeary asked if there is any way to avoid clearing the trees. The developer, Angelo Spagnolo stated they will preserve what they can and will not touch the trees on Mr. Griffin's property. Mr. Griffin replied it is not about landscaping but preserving the unreplaceable trees that are on his property. There should be no threat of losing his trees, adding there is more flexibility to develop the property. Mr. Hansen asked why he thought he would lose trees since Mr. Spagnolo said he will be at least 10' from property line. Mr. Griffin replied the tree canopy is up to 40' wide and it can be assumed the root structure is same. Excavating should be done 30-40' from his property line to avoid the root structure, adding trees on his property should not be damaged by digging a sewer line.

Mr. Welter stated the revisions to the plan look good. He added the plan is comprehensive aside from the latest issue. Mr. Welter stated although the developer has already looked at the best way to put in the sewer line he should make every effort to avoid the root structure of Mr. Griffin's trees within reason. Mr. Welter suggested adding a condition for the developer to look at what he can do to minimize impact.

Mrs. Evans asked how the excavating equipment will come in from Babcock Boulevard and down to the site. Mr. Spagnolo replied he does not know exactly, but it will start at a low point. He added he has looked at it and he cannot shift the line over.

Mr. Hansen asked why no sidewalks will be installed along Babcock Boulevard. Mr. Kurpakus replied the Township's trail plan does not include that part of Babcock Boulevard. Mr. Hansen asked if this was agreeable to the Parks & Recreation Commission and Township staff. Mr. Kurpakus replied it was and the developer would pay a fee in lieu in the amount of \$11,100 in exchange for sidewalks and a play area.

Mr. Welter asked Mr. Kurpakus if Township Code addresses the developer's responsibilities concerning damage to Mr. Griffin's trees. Mr. Kurpakus replied it is a private property matter between the parties and would be the developer's responsibility.

Mr. Kurpakus reminded the planning commission the application packet includes two written waiver requests: 1) A waiver of §84-124A. to allow disturbance of slopes in excess of 40%,

TOWNSHIP OF PINE PLANNING COMMISSION

MEETING MINUTES

July 9, 2018

Page | 3

and 2) A waiver of §78-49C.1 to allow disturbance within 50' of wetland for the purpose of installing stormwater management controls and vegetative swales.

Motion was made by Mr. Welter and seconded by Mrs. Evans to recommend the Board of Supervisors approve a waiver of §84-124A. to allow limited disturbance of slopes in excess of 40% with justification the disturbance is isolated in area and required for the installation of utilities, road construction and stormwater management facilities subject to the review of the Township engineer. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Welter and seconded by Mrs. Evans to recommend the Board of Supervisors approve a waiver of §78-49.C.1. to allow limited disturbance within 50' of a wetland with justification the disturbance is required for installation of stormwater management facilities. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Welter and seconded by Mrs. Evans to recommend the Board of Supervisors grant preliminary and final approval of the Trinity Place PIIOD drawings C000, C001, C100-102, C400-401, C410-413, C501-503, C600-602, C700-710 and L101 prepared by Gateway Engineers and dated 5/17/18 and 1 of 3, 2 of 3 and 3 of 3 prepared by Gateway Engineers and dated 5/18/18 with the following conditions:

1. Compliance with the Parks and Recreation recommendation dated June 12, 2018
2. Compliance with the EAC recommendation dated June 2, 2018
3. Compliance with the LSSE review letter dated July 5, 2018
4. Developer to initiate and carry through to the best of his ability slope reforestation and buffer yard planting to the greatest extent possible prior to the release of building permits
5. Preparation of a Standard Township Developer's Agreement

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

NEW BUSINESS

LAUREL GROVE CONDITIONAL USE REQUEST

Mr. Kurpakus reported Cavalier Land Partners has submitted a conditional use application to construct patio homes on property located at Warrendale Road and Babcock Boulevard. A subdivision and land development approval request will be submitted under separate application.

Jonathan Kamin attorney for Cavalier Land Partners introduced Marty Gillespie of Cavalier Land Partners, Grant Shiring, PVE Engineering and the representative from Pennsylvania Soil & Rock, Inc. Mr. Kamin stated the first item is the conditional use approval. He explained patio homes are permitted in the R-3 zoning district but require conditional use approval. Mr. Kamin explained the R-3 zoning district encourages higher density with smaller lots and presented a brief overview showing how their request satisfies conditional use specific and general criteria.

Mr. Hansen asked if anyone in the audience had questions about the conditional use request.

Attorney Daniel Kunz on behalf of various residents of Lake Macleod pointed out an error in the number of proposed patio homes on the application. Mr. Kunz referring to Township Code stated 15% of development shall be open space and it could be reasonably interpreted the .9 acres

of open space should be within the patio home portion of the development. Consulting engineer, Robert Orchowski of the Hillcrest Group on behalf of various residents of Lake Macleod stated Code requires open space to be valid open space.

Jeffrey Romano, 543 MacLeod Dr, referring to Township Code asked Mr. Kamin if an updated traffic study had been done since this plan is denser than the original plan. Mr. Hansen asked if it requires a new traffic study. Mr. Kurpakus replied there is an updated letter in the subdivision packet. Mr. Kamin stated the additional units have been added for the count. He added the open space is available to everyone in the plan, it will not be segregated and there will be one HOA operating collectively. Mr. Orchowski stated if the traffic study was done within the last day or so, there has not been enough time for public comment.

Motion was made by Mr. Welter and seconded by Mr. Lombardo to recommend the Board of Supervisors grant conditional use approval to Cavalier Land Partners, L.P. for the construction of patio homes within the Laurel Grove Development with the following conditions:

1. Subject to Land Development approval of the Laurel Grove Development application

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

#### FORBES-CAVALIER LOT LINE REVISION

Mr. Kurpakus reported Cavalier Land Partners, L.P. is proposing a lot line modification to consolidate approximately 0.75 acres of the Forbes property located along Babcock Boulevard and Warrendale Road into the Laurel Grove Development parcel pending subdivision plan. There are no outstanding comments on the July 2, 2018 LSSE review letter.

Mr. Kamin stated it is a simple lot line revision, they are taking a small piece of Forbes' property and there are no outstanding issues.

Attorney Daniel Kunz on behalf of various residents of Lake Macleod pointed out the lot line revision is part of a subdivision in excess of 10 acres and should follow the rules of Section 78.15.

Motion was made by Mr. Lombardo and seconded by Mr. Welter to recommend the Board of Supervisors grant preliminary and final approval of the Forbes-Cavalier Subdivision No. 1 plan dated April 19, 2018, revised June 22, 2018 and prepared by PVE Engineering. The aye vote on the motion was unanimous. Motion carried.

#### LAUREL GROVE PRELIMINARY AND FINAL SUBDIVISION PLAN

Mr. Kurpakus reported Cavalier Land Partners is proposing a 308 unit mixed residential use development on property located at Warrendale Road and Babcock Boulevard. The project includes a mix of 25 patio homes and 283 townhomes. The project includes the construction of a community building, swimming pool, pedestrian improvements, and traffic and landscape improvements. The EAC has recommended mitigation of 981 trees. There are no outstanding comments from the HRG review of the revised trip generation. There are minor outstanding comments in the LSSE review letter dated July 9, 2018 which has been distributed to applicant.

Mr. Kurpakus stated the application includes three written waiver requests: 1) A waiver of §48-18A. to allow fill slopes to be constructed at 2:1; 2) A waiver of §78-49C. to allow disturbance

within 50' of a wetland; and 3) A waiver of §84-124A. to allow disturbance of slopes in excess of 40%.

Mr. Kamin stated they are here for preliminary and final approval. Mr. Kamin explained that the R-3 portion of the site was used for calculations and neighborhoods in the R-3 zoning district have higher density and smaller lots to accommodate the density. He presented a chart of permitted uses and explained having 25 patio homes and 283 townhomes in 81 acres is permitted. Mr. Kamin showed where the 308 units and the active and passive open space will be located. He explained there will be 40.9 acres of open space and 2.65 acres of active recreation space including a clubhouse with a pool and fitness trails. He also presented sample photos of the amenities, clubhouse, fitness trails, paved paths and landscaping amenities.

Mr. Kamin stated the application includes three written waiver requests: 1) §84-124A. he explained if it is acceptable to the Township engineer it can proceed to the Board of Supervisors for their approval. Mr. Kamin added the engineer has found it acceptable. 2) §48-18A. he explained they are asking for special permission as it will help in limiting disturbance on the site. The response from the Township engineer is pending. 3) §78-49C he explained they are requesting this waiver to establish trail connectivity and a stormwater facility access road. Mr. Kamin added they will only disturb what has to be disturbed and it will be replaced.

Mr. Kamin explained they had received the Township engineer's letter this afternoon, and the items have been met or are pending. He added they are requesting the planning commission recommendation for pre and final approval.

Attorney Daniel Kunz on behalf of various residents of Lake Macleod stated the slopes should be restored to the original contour of pre-2016 since the first plan that was submitted was overturned by Commonwealth Court. Mr. Kunz also explained the townhouse lots are undersized since the exemption applies to each townhome, not the group. He also questioned the streets that were not marked with street names or widths as required. If they are nonpublic streets they are not to serve more than three lots per Township Code.

Mr. Kunz asked that when the initial earthwork is done the developer be required to post a bond in \$250K to cover remedial costs. Citing Township Code Mr. Kunz asked the board to comply with all aspects of Township ordinance.

Robert Orchowski, an engineer from the Hillcrest Group representing various residents of Lake MacLeod asked if the planning commission had the opportunity to see the original engineer comments from July 2, the response from July 6, and latest response today. Mr. Orchowski added he hasn't been given adequate time to review. He also explained the landscape plan should be stamped by the landscape architect. Mr. Orchowski discussed the justification for the developer's waiver request for the disturbance of the slopes, pointing out the total amount is significant. He also stated the E&S control plan, the basis for the NPDES permit, is old and questioned the validity of the permit. Mr. Orchowski stated he has not seen the recent traffic impact report. He also, stated there is no HOP, therefore there is no main connection to the plan, and questioned what would happen if the developer does not have access.

Mr. Orchowski commented he had no time to review the letter that came out today concerning the replacement of disturbed woodlands and stormwater issues. About the stream encroachment waiver, PA DEP would issue a permit and is the ultimate arbiter. Mr. Orchowski

TOWNSHIP OF PINE PLANNING COMMISSION

MEETING MINUTES

July 9, 2018

Page | 6

requested the planning commission to delay their vote to give him time to review the response and make sure significant items have been addressed.

Jeffrey Romano, 543 MacLeod Dr, stated the planning commission should consider what the Commonwealth Court had to say on the issue and the property should be taken back to its original contour and the plan should be based on the original contour. Multiple slope conditions and environmentally sensitive areas need to be taken into consideration.

Mr. Kamin replied most of the items presented by Mr. Orchowski have been addressed; adding the primary entrance HOP has been granted and the second one is pending. Mr. Kamin stated they do not want the planning commission to usurp the DEP's authority concerning the wetlands, and the landscape plan will be sealed. As for the Commonwealth Court's decision, Mr. Kamin stated the court determined that the approval was done procedurally incorrect, therefore they are back to have it done correctly.

Mr. Gillespie replied the earthwork for the slopes has been compacted and reviewed by PS&R and the Township engineer and the requested waiver for the slopes is acceptable. In addition, the future disturbances proposed by this plan are also acceptable. He added they have gone into great detail with the Township engineer to make sure it was done the right way. Mr. Kamin added PS&R monitored the work at the site and reports and logs have been submitted to the Township engineer and accepted. Mr. Gillespie added the Township has an extensive process concerning landscaping. The EAC has reviewed the plan and has found it acceptable.

For the record Mr. Gushard stated there is an unfortunate typo in the LSSE review letter dated 7/9/18, the Section should be 84-124 but erroneously states 84-125.

Mr. Kunz stated his interpretation of the Commonwealth Court ruling refers to everything; everything was reversed. The work performed by the developer was done at risk. We need to look at how the topography was before the court's opinion.

Jack Donahue, 548 Macleod Drive, stated he lives close to the property being developed and one of the disturbed slopes is being washed out now. Mr. Donahue added he has seen in the past key decision makers are taking everyone else's word for it. Mr. Donahue invited the planning commission to come out and look at what he described.

Mr. Orchowski commented more time is needed to review the concerns he has and for the public to review.

Mrs. Evans asked how the open space at the end of Poplar Road is to be used. Mr. Gillespie replied it will be developed as a pocket park having benches and landscaping.

Mr. McGeary asked Mr. Gillespie to specify the changes made to the original plan concerning single-family homes. Mr. Gillespie showed where single family lots had been on the original plan and explained they have been converted to single-family attached homes. Mr. McGeary stated single-family attached homes are permitted within the ordinance but asked if single-family homes could be added back in. Mr. Gillespie replied they discovered the interpretation of the zoning line was incorrect and single-family homes cannot be built in the S-1 zoning district. Mr. Gillespie added based on the zoning change the community will have "active adult" homes with first floor master bedrooms. Mr. McGeary replied the mixed use was attractive and Mr. Gillespie agreed.

TOWNSHIP OF PINE PLANNING COMMISSION

MEETING MINUTES

July 9, 2018

Page | 7

Mr. Welter asked how cut through traffic will be minimized. Mr. Gillespie replied they kept the street layout the same as the original plan. He added they are open to any traffic calming measures suggested by Township staff. Mr. Gillespie explained the intersection at the high school entrance was originally planned to be a major intersection per the Township Comprehensive Plan.

Mr. Welter stated he preferred the previous plan with single family homes and asked if the developer could look at the plan again to add them. Mr. Welter also asked the developer to lessen the density and the number of townhouses. He added it is a unique property, almost a community in its self. The original plan transitioned well and had nice features and won't impact the values of neighboring properties because it's not that close. Mr. Welter stated he would like to see single family homes and less townhomes; everything is so tightly contained. He also questioned how residents are to access the walking trails and green space; walkways are needed in key areas. Mr. Gillespie replied there are sidewalks along the main roads and paths between the houses, adding people will not want paved walks between their houses. Mr. Gillespie stated Parks & Recreation found the development to be walkable and very level. Mr. Welter replied no one wants people cutting through their yards. Mr. Gillespie replied there is access from the community building.

Mr. Hansen asked Mr. Gillespie to identify the public and private recreation amenities. Mr. Gillespie replied the pool, fitness center, interior trails, and pocket parks are private and will be managed by the HOA. He added the paved path along Warrendale Road and Babcock Boulevard will be in the public easement. Mr. Hansen asked if the walking trail in the back of the development will be private. Mr. Gillespie replied it would be private.

Mr. Hansen stated he thought the original plan was good and met the definition of a neighborhood residence district with a good mixture of housing types. Mr. Hansen added it is a completely different plan and is very disappointing. Mr. Gillespie replied this plan has different types of products. He liked the original plan, too but the Court reversed it and now he must comply with the ordinance. Mr. Gillespie stated there are distinct housing types and described the four types of homes. Mr. Hansen replied they all look like townhomes.

Mr. Hansen asked Mr. Kurpakus if more time could be given to review the reports that are just coming to light. Mr. Kurpakus replied the MPC limits the amount of time and the plan must move on to the Board of Supervisors for some action unless an extension is granted by the developer. Mr. Hansen asked if the developer would grant an extension. Mr. Kamin replied they would be happy to grant an extension, an extension will give them an opportunity to review the comments. Mr. Hansen asked Mr. Kurpakus if this was acceptable and Mr. Kurpakus replied it was.

Motion was made by Mr. McGeary and seconded by Mr. Welter to table the Laurel Grove Preliminary and Final Subdivision Plan request until the August 13, 2018 meeting to allow for review of the LSSE review letter dated July 9, 2018. The following voted aye on the motion: Mr. Hansen, Mr. Welter, Mr. McGeary and Mrs. Evans; and Mr. Lombardo vote nay. Motion carried.

ADJOURNMENT

Motion was made by Mr. Lombardo and seconded by Mr. Welter to adjourn the meeting. The aye vote on the motion was unanimous. Motion carried. The meeting adjourned at 8:33 pm.