

MINUTES OF TOWNSHIP OF PINE PLANNING COMMISSION MEETING

Monday, August 13, 2018

Pine Community Center

This session of the Township of Pine Planning Commission was called to order at 7:02 p.m. by Michael Hansen, Chair.

Members in attendance were: Michael Hansen, Chair; Garrin Welter, Vice Chair; Renee Evans; Lauren Parker and John Lombardo who was called away from the meeting at 7:31 pm. 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 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.

MINUTES

Motion was made by Mr. Welter and seconded by Mrs. Evans to approve the minutes of the July 9, 2018 Planning Commission meeting. The aye vote on the motion was unanimous except for Mrs. Parker who abstained as she was not in attendance at that meeting. Motion carried.

OLD BUSINESS

LAUREL GROVE PRELIMINARY AND FINAL SUBDIVISION PLAN

Mr. Kurpakus reported the Planning Commission tabled the application at the July meeting. He explained Cavalier Land Partners has revised their plan and is proposing a 297 unit mixed residential use development on property located at Warrendale Road and Babcock Boulevard. The project now includes a mix of 16 single family, 30 patio homes and 251 townhomes. It also includes the construction of a community building, swimming pool and pedestrian improvements. Mr. Kurpakus added there are minor outstanding comments in the LSSE review letter dated August 7, 2018.

Marty Gillespie of Cavalier Land Partners stated he is following up on the presentation from last month's meeting. He showed the plan and explained single family free standing homes have been included based on the Planning Commission's feedback from the last meeting. Mr. Gillespie described the six housing types, where they will be built and who the builders will be. He stated they have reviewed the Township engineer's letter with their engineer and the Township. He added their traffic engineer states the traffic impact studies for both phases have been approved by PennDOT, the Township engineer and the Township traffic engineer. The HOP for Phase II has been submitted to PennDOT and approval is anticipated within 60 days. He concluded by saying everything else remains the same and they will adhere to Township ordinances and feedback.

Mr. Hansen asked if there was any public comment and requested it be limited to new items.

Attorney Daniel Kunz on behalf of various homeowners of Lake Macleod addressed the new plan. Citing Township Code Mr. Kunz stated the steep slopes should be restored to their

original contour. He added the plan should receive negative feedback from the Planning Commission.

Mr. Kunz's second point addressed R-3 zoning and citing Code explained the minimum size of a lot is .5 acre and the exemption applies to each home not the lot. He added the Township engineer has misinterpreted Code and allowing the undersized lots should be up to the Zoning Hearing Board.

Mr. Kunz's third point addressed the streets that don't have names and specified widths. Mr. Kunz explained he believes them to be nonpublic service streets since they do not have the minimum requirements for new roads. Referring to Township Code Mr. Kunz explained that in no case should a service street provide the only access for more than three lots.

Mr. Kunz's final point addressed the proposed carriage homes in the revised plan. He stated having carriage homes in the R-3 zoning district require conditional use approval and a request for conditional use approval has not been submitted. Mr. Kunz stated a bond in the amount of \$250,000 should be posted to address any consequences of the patio homes. Citing Township Code Mr. Kunz requested the Planning Commission to confirm the development complies with all aspects of Code.

Robert Orchowski, an engineer from the Hillcrest Group representing various homeowners of Lake MacLeod stated the Township engineer's response to the latest submittal is a carbon copy of their response to the plan previously submitted.

Mr. Orchowski stated the Township must comply with its own ordinances. He added the Township can't grant approval unless everything is on the table, and many things have not been satisfied. Using the approval of the wetland encroachment as an example, Mr. Orchowski explained the PA DEP database has issued four deficiency letters concerning the encroachment.

Mr. Orchowski described the predevelopment conditions and explained the slopes have been disturbed. He stated the new plan addresses past disturbances that were not approved by the Planning Commission or the Board of Supervisors and allowing the disturbance of slopes greater than 40% should not receive approval.

Mr. Orchowski stated Township ordinance says plans must have stormwater management and O&M plans prior to approval. He also agrees the R-3 zoning district requires a minimum lot size of .5 acres, and the plan does not meet Code. Mr. Orchowski stated the plan should go back to its current layout because the units don't have a street to service them and questioned what would happen if emergency responders needed access.

He explained the developer is awaiting HOP approval for phase 2 and the Township cannot approve the plan unless the permit is in hand. He also explained the slope disturbance is greater than 2 to 1, and there is no justification for the waiver.

Mr. Orchowski stated he would like copy of current traffic update. He questioned the number of units used in the study and how the traffic engineer calculated the additional am and pm trips. He concluded by saying the Township cannot approve the proposal unless all government approvals are in place.

Jack Donahue, 548 MacLeod Dr, stated everyone is looking at the plan with higher density, but what brought us here initially was damage to their lake. He explained he has not seen updates to the E&S controls and the program in place now has failed. Mr. Donahue added the Planning Commission should look at the system further and conceive what will happen when 50 units are added.

Mr. Orchowski asked if he could address Mr. Donahue's comments concerning the current E&S and NPDES permit. He stated the developer likely does not have a valid NPDES permit, and he must have the permits in place before approval. Mr. Orchowski added even if the Conservation District gives its approval, it is appealable to a state environmental hearing board and a request for total cessation of construction could be made.

Ryan M. Wotus, an attorney with Goldberg Kamin & Garvin representing Cavalier Land Partners explained the topography and slopes are isolated and not unstable. Mr. Wotus stated it has been addressed in 7/9/18 LSSE review and a letter from Pennsylvania Soil & Rock. Mr. Wotus added it has been reviewed and approved by the Township engineer and he has the backup documentation to support approval.

About the .5 acre lots in R-3 zoning district, Mr. Wotus explained Code provides for a specific exclusion for carriage and patio homes and exempts lot requirements in the R-3 zoning district.

Mr. Wotus stated ordinance permits private driveways accessing units, adding it was not addressed in previous engineer review letters. He explained the plan complies with all Township ordinance, except for what was pointed out in the LSSE review letter. Mr. Wotus stated approval cannot be precluded per Pennsylvania law. He pointed out the engineer's review letter is a carbon copy because it shows compliance and waivers.

The last item Mr. Wotus wanted to address is the traffic engineer's letter. He explained Wooster has been in business for long time, is well regarded, and the letter has been reviewed by the Township traffic engineer and PennDOT. Mr. Wotus concluded one HOP been received and the developer can expect to receive the other.

Mr. Gillespie stated he wanted to clarify the use of "carriage home" and explained it is a marketing term; and no carriage homes are proposed. Adding the Township engineer's letter states the plan conforms to ordinance.

Mr. Kunz stated he had a few points for rebuttal. He discussed the original topography, prior to Commonwealth Court reversing the case. He explained the LSSE letters from 7/9/18 and 8/7/18 talk about the original topography. Mr. Kunz pointed out the area is different and described it as localized, isolated and environmentally sensitive, language from the statute. He added the lot size requirements for R-3 is per lot not unit. Mr. Kunz stated this is the first time he has heard "single family dwelling", but it is still a carriage home because it has the master bedroom on the first floor, and there is a process for asking for conditional use approval for carriage homes. Mr. Kunz stated the houses described at the last meeting are carriage homes and it is on the record.

Mr. Kunz added Township ordinance is clear concerning private streets and the number of units they can service. The streets are not in conformity. Mr. Kunz concluded he recommends the Planning Commission to deny the plan.

Mr. Hansen acknowledged both sides could offer more remarks but asked if he could end the public comment. Mr. Wotus and Mr. Kunz agreed. Mr. Hansen stated he appreciates the developer's response to the Planning Commission's comments. He asked the Township engineer if the application for the three waiver requests was acceptable and Mr. Kovac replied it was based on the geotechnical report.

Motion was made by Mr. Welter and seconded by Mrs. Parker to recommend the Board of Supervisors approve a waiver of §48-18A. to allow fill slopes to be constructed at 2:1 with justification the proposed slopes have been shown to be feasible and stable based on the submitted geotechnical engineering report. The aye vote on the motion was unanimous with the exception of Mr. Lombardo as he left prior to voting. Motion carried.

Motion was made by Mr. Welter and seconded by Mrs. Parker to recommend the Board of Supervisors approve a waiver of §78-49C. to allow disturbance within 50' of a wetland for the purpose of constructing a pedestrian trail and stormwater access crossing. The aye vote on the motion was unanimous with the exception of Mr. Lombardo as he left prior to voting. Motion carried.

Motion was made by Mr. Welter and seconded by Mrs. Parker to recommend the Board of Supervisors approve a waiver of §84-124A. to allow disturbance of slopes in excess of 40% to the extent deemed necessary for existing disturbance and as shown on the submitted application plan set with condition the Township Engineer review the submitted geotechnical engineering report and site review report by the Geotechnical engineer prior to approval. The aye vote on the motion was unanimous with the exception of Mr. Lombardo as he left prior to voting. Motion carried.

Motion was made by Mr. Welter and seconded by Mrs. Parker to recommend the Board of Supervisors grant preliminary and final approval of the Laurel Grove Subdivision drawings C100 through C-200, C-201, C-300 through C-302, C-400 through C-402, C-500 through C-507, C-600 through C-610, C-700 through C-702, C-1004 through C-1005, C-1100 through C-1109 prepared by PVE Engineers, dated 4/19/18 and revised 7/19/18, and C-202 prepared by PVE Engineers, dated 4/19/18 and revised 7/5/18, C-800 through C-807, C-801A, C-803A, C-900 through C-903 prepared by PVE Engineers dated 11/17/16 and revised 7/19/18, and C-1000 through 1002 prepared by PVE Engineers dated 3/18/16 and revised 5/2/16, and C-1003 prepared by PVE Engineers, dated 4/19/18 and revised 6/22/18 with the following conditions:

1. Developer to initiate slope reforestation and buffer yard planting to the greatest extent possible prior to the release of building permits
2. Compliance with the Parks and Recreation recommendation dated May 8, 2018
3. Compliance with the EAC recommendation dated May 17, 2018
4. Compliance with the LSSE review letter dated August 7, 2018
5. Preparation of a standard Township Developer's Agreement

The aye vote on the motion was unanimous with the exception of Mr. Lombardo as he left prior to voting. Motion carried.

ADJOURNMENT

Motion was made by Mr. Welter and seconded by Mrs. Evans to adjourn the meeting. The aye vote on the motion was unanimous. Motion carried. The meeting adjourned at 7:41 pm.