

MINUTES OF TOWNSHIP OF PINE PLANNING COMMISSION MEETING

Monday, September 10, 2018

Pine Community Center

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

Members in attendance were: Garrin Welter, Vice Chair; John Lombardo; Lauren Parker and Paul Lewandowski. Also present were Larry Kurpakus, Director of Code Administration and Land Development and Gary Gushard, Township Solicitor.

There were approximately 20 visitors present.

PLEDGE OF ALLEGIANCE

Mr. Welter explained that the Planning Commission is a recommending body and all approvals must be received from the Board of Supervisors.

MINUTES

Mr. Welter explained a quorum of Planning Commission members who attended the August 13, 2018 meeting is not present at tonight's meeting and the minutes from that meeting should be approved at the next Planning Commission meeting. Motion was made by Mr. Lombardo and seconded by Mr. Lewandowski to approve the minutes from the August 13, 2018 meeting at the next Planning Commission meeting. The aye vote on the motion was unanimous. Motion carried.

NEW BUSINESS

LAUREL GROVE CONDITIONAL USE

Mr. Kurpakus reported Cavalier Land Partners has submitted two conditional use applications to be discussed together. He explained the developer has also submitted revised plans to address comments raised regarding the lot area for the proposed parcels serving the attached single family and patio homes.

Jonathan Kamin, an attorney with Goldberg Kamin & Garvin representing Cavalier Land Partners stated an issue came up during the last discussion and they are here to eliminate ambiguity concerning the carriage homes. Mr. Kamin explained both patio and carriage homes meet the conditional use criteria and cited Code to show patio and carriage homes satisfy specific and general criteria for conditional use.

Mr. Kamin went on to say everyone is familiar with the project, and they are here tonight to "dot the i's and cross the t's." Mr. Kamin explained they have received the joint permit from DEP and have provided it to the township. He added they have received confirmation from the traffic engineer the Warrendale Road permit has been closed out since the work is done. They anticipate the Babcock Boulevard permit from PennDOT will be issued shortly and will post a line of credit as required.

Mr. Gushard asked if Mr. Kamin would address land development before he sits down. Mr. Kamin replied he would and stated a question raised at the last meeting concerned the single family attached homes. Mr. Kamin explained the homes are exempt from lot area requirements as they are fee simple. He added the surveyor will add new lot lines once the foundations are started and an amended plan will be submitted for approval once the townhouses are built. He added this

is the same plan, the only difference is the lines showing the lots for townhomes, and it follows the strict letter of the law. Mr. Kamin added for the record the prior waivers remain in effect.

Mr. Lombardo asked why the lot lines extend to Babcock Boulevard. Mr. Kamin and Grant Shiring, PVE Engineering, the engineer for the applicant replied it is part of the lot. Mr. Lombardo asked why there is frontage on Babcock Boulevard. Mr. Kamin replied Code states lots must have frontage on a public road. Mr. Shiring added there will be a 100' buffer that will appear as open space and will be maintained by the homeowners' association according to the covenants.

Mr. Welter invited the public to speak and asked that comments be pertinent to the conditional use requests and the lot lines on the plan.

Attorney Daniel Kunz on behalf of various homeowners of Lake Macleod stated the plan isn't on the meeting agenda; the only items listed are the conditional use requests for patio homes and carriage homes. He added he is here to discuss the conditional use for carriage homes. Mr. Kunz explained the application states the incorrect amount of acreage and it fails to indicate how many carriage homes are proposed. Mr. Kunz stated today is the first time he has heard there will be 44 homes. He added per Code there must be a minimum of 5 acres for carriage homes, but the plan shows only 3 plus acres are to have carriage homes. Mr. Kunz stated 15% of the developed site must be open space and must be within the general vicinity of the carriage homes.

Mr. Kunz stated the planning commission should have the developer post a bond in the amount of \$250,000 for dredging and the E&S plan should be revised because of failure of the current plan. Mr. Kunz requested the planning commission to require the development be consistent with township ordinance.

Jack Donahue, 548 MacLeod Dr, explained the developer at the 7/9/18 planning commission meeting stated they were to build carriage homes, but at the 8/13/18 when their lawyer brought to it their attention the developer stated it was marketing term. Mr. Donahue added the planning commission members should resign because they are not doing their job, they are just reading from a pre-arranged script. He questioned the work being done by the township engineer and the allegiance of township staff and the planning commission. He added the developer was caught in lie and is now asking for conditional use.

Jeffrey Romano, 543 MacLeod Dr, stated the E&S plans are the original plans and have not been changed or updated. Mr. Romano asked if anyone has checked on the E&S controls, and stated they are failing. Mr. Romano asked the planning commission if they understood what conditional use means. He explained that the state says when conditional use is granted the governing body may attach reasonable conditions and safeguards. He added the planning commission recommended as a condition a new E&S plan with the patio home conditional use recommendation. Mr. Romano explained the E&S plan is a total failure and he has sent emails for 6 months warning the E&S controls are failing. In refence to Section 84-137.C Mr. Romano stated the proposed use should not have a harmful environment effect on his neighborhood. He added the Planning Commission and the Board of Supervisors should uphold what the Commonwealth Court upheld, and the topography should go back to how it was.

Mr. Kamin replied revised E&S plans are at the conservation district and Mr. Shiring added the plans submitted to the conservation district have been updated with the current layout and he anticipates an approval letter to be issued. Mr. Kamin added the plan was not included on the agenda because it is an update for the planning commission to understand what will be presented to the board of supervisors

Motion was made by Mr. Lombardo and seconded by Mrs. Parker to recommend the Board of Supervisors grant conditional use approval of patio homes in the Laurel Grove Plan with the following condition:

1. Subject to Land Development Approval

The aye vote on the motion was unanimous. Motion carried

Motion was made by Mrs. Parker and seconded by Mr. Lewandowski to recommend the Board of Supervisors grant conditional use approval of carriage homes in the Laurel Grove Plan with the following condition:

1. Subject to Land Development Approval

The aye vote on the motion was unanimous. Motion carried

Mr. Gushard stated the submission of the revised drawing was for informational purposes only. Mr. Kunz asked for clarification, as it will it be brought up again. Mr. Kamin explained the land development was recommended by the planning commission at the last meeting, and the drawing was brought back for informational purposes; to show the planning commission what will be presented to the board of supervisors. This plan has lot lines and no other changes were made.

Mr. Gushard asked Mr. Kamin to clarify they did not submit a new application. Mr. Kamin replied it is to amend an existing application and was prepared in response to something from the last meeting. Mr. Kunz stated the plan does not show the number of carriage homes and the planning commission should not have taken actions.

Mr. Welter acknowledged three Slippery Rock University students in the audience. The students explained they would prepare a report detailing what was discussed at the meeting for a sustainability class at the university.

JEA SENIOR LIVING SKETCH PLAN REVIEW

Mr. Kurpakus reported JEA Senior Living is proposing a 1-story 55-unit, 66 bed Alzheimer special care center on property located at 250 Swinderman Road. The parcel is in the C-2 zoning district. The use would be defined as a "Nursing Home" per Section §84-10 of the Code and is a permitted use in the C-2 District subject to land development approval. Mr. Kurpakus explained the developer will need waivers of certain Code provisions for encroachment on the wetlands and wetland buffering to develop the property as intended.

Rachel Rudiger of JEA Senior Living thanked the planning commission for having her and explained JEA Senior Living is considering a purchase agreement for the Knights of Columbus building on Swinderman Road. Ms. Rudiger explained JEA Senior Living has been in business for

35 years and is currently developing a site in Whitehall, PA, adding an Alzheimer's facility is needed in this area.

Ms. Rudiger showed the areas that will be impacted by development. She explained they will need to obtain layout use waivers for the wetlands and streams on the site and obtain a joint permit. She added buffers will be installed for the neighboring residential community.

Mr. Lombardo stated the property will be difficult to develop, but something should be there. He recommended buffers for the neighboring residential areas and suggested obtaining DEP approval. Mr. Lombardo asked if there will be an outdoor area for residents to exercise. Ms. Rudiger showed where the area would be and explained it would be a fenced in space for exercise and fire drills.

Mrs. Parker stated the developer can make a request for a waiver for the stream from DEP. She asked if the building could be rotated so it is less impactful to the stream. Ms. Rudiger replied they have tried flipping it for the buffers but decided to keep it this way to decrease the impact on the wetlands. She agreed it may be beneficial to flip it and added she is open to options. Mrs. Parker asked if they have had a pre-application meeting with DEP and Ms. Rudiger replied they had. Mr. Welter stated he hopes this plan works as a facility is needed in the area.

Ms. Rudiger showed the concept perspective and explained they can change the exterior's colors to complement the homes in neighboring Brookfield Estates. Ms. Rudiger asked how the neighboring property owners will be notified. Mr. Kurpakus replied the township will send notifications to adjoining property owners when an application is filed. Ms. Rudiger added the developer will also send letters. Ms. Parker gave Ms. Rudiger a drawing depicting her suggestions.

ADJOURNMENT

Motion was made by Mr. Lombardo and seconded by Mrs. Parker to adjourn the meeting. The aye vote on the motion was unanimous. Motion carried. The meeting adjourned at 7:48 pm.