

The regular meeting of the Planning Commission of the Township of Upper St. Clair, duly advertised and posted in accordance with the law, was called to order by the Director of Planning and Community Development at 7:32 PM, Thursday, January 16, 2020, in the Township Municipal Building Board of Commissioners' Meeting Room, located at 1820 McLaughlin Run Road, Upper St. Clair, PA 15241.

PRESENT: David Wade
Todd Burlingame
Robert Stevenson
Rachelle Vopal
Jake Polochak
Adam Benigni, Director of Planning and Community Development
Michael Galet, on behalf of the Township Engineer
Chris Cahillane, on behalf of the Township Attorney
Christina Phlegar, Planning and Zoning Assistant

ABSENT: Joel Helmrich
Kimberly Smith

PUBLIC: Fifteen (15)

ELECTION OF OFFICERS

Mr. Benigni requested nominations for Chairman. On motion by Mr. Burlingame, seconded by Mr. Stevenson, Mr. Wade was nominated and elected Chairman by unanimous voice vote, 5-0.

Mr. Benigni requested nominations for Vice Chairman. On motion by Mr. Stevenson, seconded by Mr. Wade, Mr. Burlingame was nominated and elected Vice Chairman by unanimous voice vote, 5-0.

Mr. Benigni requested nominations for Secretary. On motion by Ms. Vopal, seconded by Mr. Wade, Mr. Polochak was nominated and elected Secretary by unanimous voice vote, 5-0.

Mr. Benigni then turned the meeting over to Chairman Wade.

CONSIDERATION OF THE MINUTES OF THE INFORMATIONAL AND REGULAR MEETINGS OF DECEMBER 19, 2019

On motion by Mr. Burlingame, seconded by Mr. Polochak, carried by a voice vote, 5-0, the minutes were approved for filing as written.

CONSIDERATION OF LETTER RE. PLANNING COMMISSION RECOMMENDATION FOR DENIAL OF PLC19-0010 – TUSCANY POINTE

On motion by Mr. Burlingame, seconded by Mr. Stevenson, carried by a voice vote, 5-0, the letter was approved for filing, signed by Chairman Wade and forwarded to the Board of Commissioners for review.

OLD BUSINESS

NONE

NEW BUSINESS

PLC20-0001 – FROSTY VALLEY PROFESSIONAL BUILDING – AMENDED TENTATIVE AND FINAL APPROVAL

Ms. Kim Gales, J.R. Associates, Inc. presented on behalf of the applicant, Mr. Joe DeNardo, J.N.D. properties. She explained that the application proposed the addition of two (2) new conditional uses within the existing planned development. The two proposed uses are massage therapy establishment and photography studio. Ms. Gales stated that the plan meets all parking requirements.

Mr. Benigni stated that the applicant has met all criteria for conditional uses and parking requirements, and Staff has recommended approval.

Mr. Polochak questioned whether the parking requirements would be met if the old restaurant in the building, which is currently closed, were to reopen. Mr. Benigni confirmed the parking plan to be sufficient if the restaurant were to reopen.

Mr. Wade questioned whether the current tenants were aware of the Township's sign requirements. Mr. DeNardo confirmed the tenant's knowledge of the code requirements.

Mr. Wade asked if there were any further questions and/or comments from the audience. There being none, a motion was made.

MOTION: THAT the Planning Commission recommend the Board of Commissioners grant approval for PLC20-0001 – Frosty Valley Professional Building – Amended Tentative and Final Approval subject to submission by Wednesday, January 29, 2020 of four (4) sets of revised plans and supplemental materials addressing the comments in the staff report dated January 15, 2020.

Motion by Mr. Stevenson, seconded by Mr. Polochak, carried by unanimous voice vote, 5-0.

PLC20-0002 – TUSCANY POINTE – PLANNED RESIDENTIAL DEVELOPMENT – AMENDED TENTATIVE APPROVAL

Ms. Maureen Sweeney, Blumling & Guskey LLP, presented on behalf of the applicant, Mr. Jeffrey Thomas. She gave a history of the proposed project and explained that this application reflects revisions made to the previously submitted plan per Staff comments and comments made at the December 19, 2019 Planning Commission meeting. Ms. Sweeney further discussed the differences between each plan; bedroom unit breakdown, location and conversion of buildings, location of dumpsters. She also explained that the requested modifications have not been changed from the last plan. She then opened the presentation to questions.

Mr. Wade questioned whether the current application is considered a new application from the plans submitted in December 2019, PLC19-0010. Ms. Sweeney responded that the Staff directed the applicant to submit the plan as a new application, though the application is a revision to the plans submitted in December 2019. Mr. Cahillane added that this should be considered a new application as it is a new submission. He explained to the Planning Commission that they are not considering the plans submitted in December 2019, they are considering this new set of plans as a separate case.

Mr. Cahillane clarified that PLC19-0010 will still be presented to the Board of Commissioners on February 3, 2020 and that there are two applications running concurrently with the Township. Ms. Sweeney reiterated the applicant's intent to make small changes to the plans and their directive from Township Staff to submit the revised plans as a new application. Ms. Gales stated that the decision to submit a new application was due to major changes in the plans.

Mr. Polochak questioned whether both plans could be approved. Mr. Cahillane responded that the Township will have to look into that question.

Mr. Burlingame expressed his appreciation for the changes made to the plans per feedback from the last meeting from both Staff and the public. He further explained his concern for the mass and size of the proposed buildings, in addition to the items on the plan that need to be addressed and/or revised.

Ms. Sweeney clarified that the height of the buildings is the same height that was approved in 2016, the impact of the development has been lessened, and the property is zoned for the proposed use. Discussion ensued between members of the Planning Commission and Ms. Sweeney.

Mr. Benigni pointed out the new retaining wall included on the plans, which the applicant will need to request a modification if the height of the wall exceeds 6'. Mr. Galet confirmed that comment and further explained the need for the retaining wall in order to protect the existing riparian buffer that is required per the new stormwater management ordinance. He clarified these comments on the staff report.

Mr. Polochak questioned the modification regarding grading on a slope greater than 40% and what areas would be impacted. Ms. Gales noted the areas that would be graded to that degree and stated that none of the homes on Deepwood Drive would be affected, per the submitted geotechnical report.

Mr. Wade questioned why the wrong architectural plans for the parking garage were submitted with this new application. Ms. Gales stated that these plans were submitted by accident, as the applicant felt rushed in their submission of a new application versus submitting fewer copies for a revised plan. The intent was to submit the architectural plans that were included in the December 2019 submission.

Mr. Cahillane questioned whether the applicant is requesting to table this application, per comments regarding the retaining wall and required modification. Ms. Sweeney requested a tabling of the application in order to address Staff comments.

Mr. Wade asked if there were any further questions from the Planning Commission. There being none, he opened the floor to questions and/or comments from the audience.

Mr. Jeffrey Wilhelm, Reed Smith LLP, on behalf of Ann and Dmitri Shiry, stated that he and his client are objecting to the application and objecting to the Township's approval process. He also requested that a copy of the letter explaining the Planning Commission's recommendation for denial be made available for his review. Mr. Wilhelm further discussed his position that the applicant has gone beyond the authority provided by the Pennsylvania Municipalities Planning Code (MPC). He then thanked the Planning Commission for their time.

Mr. Wade asked if there were any further questions and/or comments from the audience. There being none, a motion was made.

MOTION: THAT the Planning Commission accept the applicant's request to table PLC20-0002 – Tuscany Pointe Planned Residential Development – Amended Tentative Approval to the February 20, 2020 Planning Commission meeting.

Motion by Mr. Burlingame seconded by Mr. Stevenson, carried by unanimous voice vote, 5-0.

OTHER BUSINESS

CONSIDERATION OF 2019 ANNUAL REPORT

Brief discussion ensued regarding the 2019 annual report.

ADJOURNMENT

There being no further business, it was moved, seconded and carried unanimously that the meeting be adjourned at approximately 8:12 PM.

Respectfully submitted,

Christina Phlegar
Planning and Zoning Assistant