BOARD OF COMMISSIONERS MEETING MINUTES

July 1, 2019

The regular meeting and public hearings of the Board of Commissioners of the Township of Upper St. Clair, duly advertised and posted in accordance with law, was called to order at 7:30 PM on Monday, July 1, 2019 in the Board of Commissioners’ Meeting Room, Township Municipal Building, 1820 McLaughlin Run Road, Upper St. Clair, PA 15241. The Pledge of Allegiance was recited by all present.

Commissioner Christie         President
Commissioner Orchowski
Commissioner Paoly
Commissioner Pardini

Matthew R. Serakowski          Township Manager
Mark S. Mansfield              Assistant Township Manager
Mark P. Romito                 Director of Finance
Adam A. Benigni                Director of Community Development
Irving S. Firman               Township Attorney
Jennifer J. Slagle, P. E.      Township Engineer
Prudence Cooper                Recording Secretary
Missy Fenster                  Network Deposition Services

EXCUSED: Commissioner Seitanakis Vice President
Commissioner Logan
Commissioner Waller

PUBLIC: Approximately 8 people attended.

Commissioner Christie began the meeting by acknowledging the passing of T. A. Ward who served as Commissioner for the Township from 1992-1999, serving both as President and Vice President of the Board. Commissioner Ward served as Chairman of many committees of the Board including the Public Works Committee of the Board of Commissioners. He contributed to improvements to the Township’s Public and Private Improvements Code, the adoption of the 1995 Comprehensive Plan, the initial implementation of the Sidewalks and Bikeways Master Plan, development of the Boyce Mayview Master Plan, and he was a member of the Route 50 Corridor Commission. Commissioner Ward also contributed to the Township in many other ways over the years as Commissioner.

REVIEW OF BOARD OF COMMISSIONERS’ REGULAR MEETING MINUTES OF JUNE 3, 2019
Commissioner Orchowski moved to approve the meeting minutes of June 3, 2019. This was seconded by Commissioner Pardini and carried with a 3-0-1 voice vote. Commissioner Paoly abstained as he was not present at the June 3, 2019 Board of Commissioners meeting.

PUBLIC COMMENTS

None.
OLD BUSINESS

CONTINUED PUBLIC HEARING RE. PLC19-0002 – CHASE BANK — UNIFIED CONDITIONAL USE/PRELIMINARY LAND DEVELOPMENT APPROVAL

Mr. Benigni reviewed the recommended public hearing procedures and entered Township Exhibit #20 into the record.

Mr. Benigni stated that this is the continued public hearing Re. PLC19-0002 – Chase Bank – Unified Conditional Use Preliminary Land Development Approval. The applicant is proposing to redevelop the property located at 1815 Washington Road in order to construct a one-story Chase Bank branch office. The redevelopment will include the demolition of the existing building, construction of the 2,597 square foot bank office and associated site improvements. Banks and other financial institutions are permitted conditional uses in the C2-Highway Commercial District and this use is consistent with the Township’s Future Land Use and Housing Plan.

Commissioner Christie confirmed that those wishing to testify were previously sworn in at the initial public hearing.

Mr. Benigni stated that provided no additional testimony is necessary, staff recommends that the public hearing be closed and that the Board of Commissioners grant approval subject to the conditions outlined in Bill No. 5-19. This may be accomplished by a simple motion and roll call vote.

Mr. Benigni pointed out that Applicant modifications are listed in Section 2 of Bill 5-19.

Discussion ensued amongst the Board concerning the developer’s contribution to the signalization of Route 19 and sidewalk fund, the side driveway connection onto the existing access road, the elimination of one access into the property and the joint access to the property with the Bank of America property as indicated on the site plan.

Wayne Harrod, 89 Long Drive, was sworn in earlier this evening by Commissioner Christie. Mr. Harrod stated that he is not concerned about the development itself, but believes the Board will be accepting too many conditions, six (6) with this application. Mr. Harrod expressed that the developer purchased property that is not large enough for what they propose to build. He opined that the Board is agreeing to too many conditions, which is happening more frequently and that the Board should follow the Township Code more closely. Commissioner Christie acknowledged Mr. Harrod’s concerns.

Commissioner Orchowski commented that this development will be an improvement to a challenged site and that traffic and setback issues have been addressed.

Commissioner Christie asked if there were any additional comments from the Board or the public and there were none.

MOTION AND VOTE TO CLOSE THE PUBLIC HEARING RE. PLC19-0002 – CHASE BANK – UNIFIED CONDITIONAL USE PRELIMINARY LAND DEVELOPMENT APPROVAL

Commissioner Orchowski moved to close the public hearing Re. PLC19-0002 – Chase Bank – Unified Conditional Use Preliminary Land Development Approval. This was seconded by Commissioner Paoly and carried with a 4-0 voice vote.
MOTION AND VOTE TO ADOPT BILL NO. 5-19
Commissioner Pardini moved to adopt Bill No. 5-19 Re. PLC19-0002 – Chase Bank – Unified Conditional Use Preliminary Land Development Approval. This was seconded by Commissioner Orchowski and carried with a 4-0 roll call vote.

CONTINUED PUBLIC HEARING RE. PLC18-1301 – AMENDMENT TO CHAPTER 130 OF THE TOWNSHIP CODE ENTITLED “ZONING” TO ADD CONDITIONAL USES IN THE SB – SPECIAL BUSINESS ZONING DISTRICT
Mr. Benigni reviewed the recommended public hearing procedures and entered Township Exhibit #39 and County Exhibit #2 into the record.

Commissioner Christie stated that this is the continued public hearing Re. PLC18-1301 – Amendment to Chapter 130 of the Township Code entitled “Zoning” to add Conditional Uses in the Special Business (SB) Zoning District.

Commissioner Christie confirmed that those wishing to testify were previously sworn in at the initial public hearing.

Mr. Benigni stated that the applicant has proposed to amend Chapter 130 of the Township Code entitled “Zoning” which would create and add a definition of “Personal Fitness Center” to Section 130.3., “Definitions,” add “Personal Fitness Centers” and “Massage Therapy Establishments” to the list of conditional uses in the SB-Special Business Zoning District in Section 130.13.2.2. and to add parking requirements for “Personal Fitness Centers” and “Massage Therapy Establishments” in Section 130.13.3.1.6.

Mr. Benigni stated that provided no additional testimony is required, staff recommends that the hearing be closed and action taken to adopt Bill No. 6-19.

Discussion ensued between Commissioner Christie and applicant, Mr. Alan K. Sable, Esquire, Sable and Sable LLC, concerning square footage limitations of fitness centers previously raised by the Board and staff. Mr. Sable confirmed that to accommodate the possibility of more than one “boutique”, class based fitness center, the limitation of 12,000 square feet is proposed and that a parking needs analysis would be required and reviewed by the Planning Commission.

Mr. Sable confirmed for Commissioner Orchowski that this text amendment will apply to the property located at 2600 Old Washington Road, which is south of Boyce Road. Mr. Firman and Commissioner Orchowski further stated that this limited niche application would also apply to three (3) other parcels in the Township located in the SB-Special Business Zoning District.

Commissioner Christie asked if there were any additional comments from the Board or the public and there were none.

MOTION AND VOTE TO CLOSE THE PUBLIC HEARING RE. PLC18-1301 – AMENDMENT TO CHAPTER 130 OF THE TOWNSHIP CODE ENTITLED “ZONING” TO ADD CONDITIONAL USES IN THE SB - SPECIAL BUSINESS ZONING DISTRICT
Commissioner Paoly moved to close the public hearing Re. PLC18-1301 – Amendment to Chapter 130 of the Township Code entitled “Zoning” to add Conditional Uses in the SB -
Special Business Zoning District. This was seconded by Commissioner Orchowski and carried with a 4-0 voice vote.

**MOTION AND VOTE TO ADOPT BILL NO. 6-19**

Commissioner Orchowski moved to adopt Bill No. 6-19 Re. PLC18-1301 – Amendment to Chapter 130 of the Township Code entitled “Zoning” to add Conditional Uses in the SB - Special Business Zoning District. This was seconded by Commissioner Pardini and carried with a 3-1 roll call vote with Commissioner Paoly casting the negative vote. The Bill does not pass as an affirmative vote of a majority of all the members of the Board of Commissioners was not met.

Commissioner Orchowski inquired whether there will be a reconsideration of Bill No. 6-19 this evening.

Commissioner Paoly stated that he cast a negative vote due to the close proximity of the proposed fitness center(s) to residents on Old Washington Road that could potentially be 12,000 square feet. Commissioner Paoly expressed that if the three (3) other members of the Board of Commissioners were present tonight, this text amendment may have passed 6 – 1 and therefore he requested this bill be open for reconsideration. In response, Mr. Firman stated that a reconsideration will not occur this evening since the vote has been cast and that he will research options for the Board in this matter.

**NEW BUSINESS**

**RECOMMENDATION RE. PLC19-0006 – SOUTH HILLS VILLAGE MALL REDEVELOPMENT – AMENDED FINAL APPROVAL**

Mr. Benigni stated that this is the Amended Final Approval of a Nonresidential Planned Development of the South Hills Village Mall Redevelopment project located in the C-3, Regional Shopping District at 301 South Hills Village Drive. This application was reviewed and recommended for approval by the Planning Commission at the June 20, 2019 meeting subject to certain conditions.

Mr. Benigni indicated that the applicant is proposing a redevelopment of a portion of South Hills Village Mall with the demolition of the Sears Department Store and the Sears Automotive building. In addition, the proposed redevelopment includes construction of new shops in the former Sears space along with the construction of a fitness facility in the existing parking field close to the former Sears Automotive building, and new small shops added to the east side (food court) of the mall. The development of the food court is not being considered by the Board.

Mr. Benigni explained that the Board of Commissioners adopted Decision No. USC-PD 1-2019 on April 1, 2019 granting amended tentative approval of this project. This approval granted two (2) modifications, one (1) pertaining to the set back between the Life Time Athletic facility and the property line and the other to allow relief from the requirement of dedicated loading berth spaces.

Mr. Benigni stated that it is recommended that the Board of Commissioners grant Amended Final Approval subject to the conditions outlined in Bill No. 7-19. This may be accomplished by a simple motion and roll call vote.

Mr. Benigni explained that Section 3 of Bill No. 7-19 outlines the conditions, most of which are standard for this stage of the development process.
Commissioner Orchowski commented that he had hoped that there would be at least one (1) loading dock at the athletic facility. In response to Commissioner Orchowski’s question regarding the outstanding items in the Township Engineer’s memo, Mr. Benigni confirmed that all items meet the requirements of the Township Code with minor outstanding issues for recording of the development.

Commissioner Christie asked if there were any additional comments from the Board or the public and there were none.

**MOTION AND VOTE TO APPROVE BILL NO. 7-19**

Commissioner Pardini moved to approve Bill No. 7-19 Re. PLC19-0006 – South Hills Village Mall Redevelopment – Amended Final Approval. This was seconded by Commissioner Paoly and carried with a 4-0 roll call vote.

**RECOMMENDATION RE. ADOPTION OF RESOLUTION FOR THE ACQUISITION OF REAL ESTATE PRESENTLY OWNED BY WILLIAM J. DELACH, JR., SUCCESSOR TRUSTEE TO THE WILLIAM J. DELACH, SR. REVOCABLE LIVING TRUST, AT 1630 MCLAUGHLIN RUN ROAD**

Mr. Benigni stated that the Township intends to purchase parcels 395-E-196 and 395-E-197 presently owned by William J. Delach, Jr. located at 1630 McLaughlin Run Road. The total area of the two (2) parcels is approximately 4.32 acres. The Township has agreed to purchase the property for the sum of $213,000.00.

Mr. Benigni stated that it is recommended that the Board of Commissioners approve Resolution No. 1674 which authorizes the purchase of the subject property. This may be accomplished by a simple motion and roll call vote.

Commissioner Christie commented that this property is adjacent to the recreation fields and since a portion of the property is in a flood plain, the best use for this property is the intended use of additional recreation fields.

Commissioner Orchowski stated that the property value estimate matches the purchase price.

Commissioner Christie asked if there were any additional comments from the Board or the public and there were none.

**MOTION AND VOTE TO ADOPT RESOLUTION NO. 1674 FOR THE ACQUISITION OF REAL ESTATE PRESENTLY OWNED BY WILLIAM J. DELACH, JR., SUCCESSOR TRUSTEE TO THE WILLIAM J. DELACH, SR. REVOCABLE LIVING TRUST, AT 1630 MCLAUGHLIN RUN ROAD**

Commissioner Paoly moved to adopt Resolution No. 1674 for the Acquisition of Real Estate presently owned by William J. Delach, Jr., Successor Trustee to the William J. Delach, Sr. Revocable Living Trust, at 1630 McLaughlin Run Road. This was seconded by Commissioner Orchowski and carried with a 4-0 roll call vote.

**RECOMMENDATION RE. APPROVAL OF CONTRACTS**

Mr. Mansfield reviewed the following contracts for the Board’s approval in accordance with the Township Code:

- Metropolitan Window Co., Inc.: Municipal Administration Building Window Replacements and USC VFD Morton Station No. $118,954
Mid-America Pool Renovation, Inc.  
Grandview, MO 64030

Mr. Mansfield stated that a simple motion and voice vote will authorize the above action.

Mr. Mansfield confirmed for Commissioner Christie that these projects are budgeted items for 2019 and the prices are on track with the estimates.

**MOTION AND VOTE TO APPROVE THE ABOVE CONTRACTS**

Commissioner Pardini moved to approve the above contracts. This was seconded by Commissioner Orchowski and carried with a 4-0 voice vote.

**OTHER BUSINESS**

Commissioner Christie acknowledged the boy scouts in the audience who were in attendance this evening.

**ADJOURNMENT**

Following a motion for adjournment by Commissioner Paoly and a second by Commissioner Pardini, which carried with a 4-0 voice vote, the meeting was adjourned at approximately 8:08 PM.