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, October 7, 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.

PRESENT:  Commissioner Christie  President  Commissioner Seitanakis  Vice President  Commissioner Logan  Commissioner Orchowski  Commissioner Paoly  Commissioner Pardini  Commissioner Waller  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  Deborah A. Bakowski  Recording Secretary  Missy Fenster  Network Deposition Services  

PUBLIC:  Approximately 22 people attended  

PROCLAMATION AND RECOGNITIONS  
Commissioner Pardini presented a Proclamation designating October 6-12, 2019 as Fire Prevention Week in Upper St. Clair to the Upper St. Clair Volunteer Fire Department. This year’s theme is, “Not Every Hero Wears a Cape. Plan and Practice Your Escape!” Mr. Russell Rauch, Fire Prevention Coordinator, for the Volunteer Fire Department was in attendance to accept the Proclamation for the Department. Commissioner Pardini thanked the Fire Department for all of their assistance within the Township. He commented that they do not only assist with fires but they help the residents with flooding issues, with fire alarm checks and the teaching of fire safety to the school students.

Commissioner Waller recognized the following Volunteer Fire Department members for their years of service:  

David Kropp – 30 years  
Daniel Barr – 20 years  
Douglas Heckman – 20 years  
Craig DeRoss – 10 years  
Sean Allebrand – 5 years  

The following Volunteer Fire Fighters were also in attendance: Isabella Oprison, Doug Dennig, Mike Moore, and Alex Gillepie.

REVIEW OF BOARD OF COMMISSIONERS’ REGULAR MEETING MINUTES OF SEPTEMBER 3, 2019  
Commissioner Logan moved to approve the Regular Meeting Minutes of September 3, 2019. This was seconded by Commissioner Pardini and carried with a 7-0 voice vote.
PUBLIC COMMENTS

Mr. Wayne Herrod, 89 Long Drive, thanked Mr. Benigni and Mr. Jesse Lachimia, Township Code Enforcement Officer, for having the CVS hillside issue resolved.

Mr. Allan Golden, 1403 Old Meadow Road, inquired about the Lesnett Road project. He stated that the signs have been posted since August and it is now October and the project is not complete.

Mr. Benigni explained that it is a PennDOT project and that both McMillan and Lesnett are state roads. He said that PennDOT is considering both roads as one project and that both roads will be paved at the same time.

Mr. Steve Jones, 2481 Morton Road, inquired if any of the Commissioners would walk with him along the proposed Perimeter Trail project site. Commissioner Seitanakis stated that he would accompany Mr. Jones.

Ms. Maria Simbra, 2276 Glendale Drive, expressed her concern regarding public safety from the many golf balls that continue to be hit across Old Washington Road onto her property. She commented that the Zoning Hearing Board declined the Country Club’s request for a variance to construct a net in the driving range area of the golf course. She inquired as to what additional measures could be taken to prevent golf balls from being hit onto her property.

Mr. Serakowski commented that the Zoning Hearing Board did not deny the variance requested by St. Clair Country Club but have tabled the item until the next Zoning Hearing Board meeting.

Mr. Bob Sobocinski, 2616 Monterey Drive, stated that he would like the Township to once again look into the possibility of the Community & Recreation Center (C&RC) offering Silver Sneakers and/or Silver Fit classes.

Mr. Serakowski stated that the Township would once again look into offering Silver Sneakers and/or Silver Fit at the C&RC.

OLD BUSINESS

CONTINUED PUBLIC HEARING RE. PLC19-0001 – ARDOLINO DEVELOPMENT PLAN – NONRESIDENTIAL PLANNED DEVELOPMENT – AMENDED FINAL APPROVAL

Mr. Benigni stated that this is the continued public hearing Re. PLC19-0001 – Ardolino Development Plan – Nonresidential Planned Development – Amended Final Approval. He reviewed the recommended public hearing procedures.

Those wishing to testify were sworn in by Commissioner Christie.

He entered Township Exhibits #33 and #34, Applicant Exhibits #30 and #31, and Citizen Exhibit #9 into the record.

Mr. Benigni stated that the applicant is requesting Amended Final Approval of Ardolino Development/Planned Office Center. Rodney and Tammy Ardolino received Tentative Approval from the Board of Commissioners on April 2, 2012, and Final Approval on July 2, 2012. The project consists of the construction of a 4,995 square foot restaurant and related site improvements. He said that the applicant has met or exceeded the Township Code requirements for parking, landscaping and lighting.
The proposed site improvements include 38 parking spaces, stormwater management controls, and landscaping.

Mr. Benigni stated that provided no additional testimony is needed, Staff recommends that the public hearing be closed.

Mr. Firman indicated that he has spoken to both parties and said that after the hearing is closed, both parties, the applicant and the intervener, will have 20 days to present their written submissions to the Board of Commissioners. The Board of Commissioners will render a decision after receipt and review of the submissions.

Commissioner Christie stated both he and Commissioner Seitanakis are recused from this matter.

Mr. Benigni introduced Mr. Kenneth J. Yarsky and Ms. Kim Gales-Dunn, representing the applicant.

Ms. Kim Gales-Dunn, JR Gales and Associates, Engineer for the applicant reviewed a PowerPoint presentation regarding the proposed project. She also reviewed the response that JR Gales and Associates had sent to Mr. Geoffrey C. Phillips, P.E, of Phillips & Associates, Inc. regarding nine (9) items in question that had been raised by Mr. Phillips in correspondence dated July 16, 2019.

Mr. Sandy Garfinkel, attorney with Eckert Seamans, representing BR Associates, owners of the property known as St. Claire Plaza, commented that he had sent a letter dated September 17, 2019 to Mr. Benigni along with an Addendum regarding the information that Mr. Phillips, had presented at the Board of Commissioner’s meeting on September 3, 2019. He had commented that he believes that the post-construction stormwater management report dated June 19, 2019 by Ms. Kim Gales-Dunn does not meet the requirements of the Township Code.

Mr. Kenneth Yarsky stated that all points in question have been properly addressed by the Township and that all requirements have been met.

A very lengthy discussion ensued between Mr. Benigni, Mr. Firman, Ms. Martha Frech, President, Streamline Engineering, Ms. Gales-Dunn, Mr. Garfinkel, Mr. Phillips, Ms. Slagle, and Mr. Yarsky regarding the proposed Ardolino Development Plan focusing on the following issues:

- Evaluating Tailwater Conditions
- Infiltration Best Management Practices
- Observation Wells
- Rate Controls
- Stormwater Best Management Practices

At 8:57 PM, Citizen’s Exhibits #10 and #11 were entered into the record.

Mr. Firman stated that both parties should submit their written submissions to the Board of Commissioners by October 28, 2019.

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. PLC19-0001 – ARDOLINO DEVELOPMENT PLAN – NONRESIDENTIAL PLANNED DEVELOPMENT – AMENDED FINAL APPROVAL

Commissioner Paoly moved to close the Public Hearing Re. PLC19-0001-Ardolino Development Plan – Nonresidential Planned Development – Amended Final Approval. This was seconded by Commissioner Waller and carried with a 5-0-2 voice vote. Commissioners Christie and Seitanakis abstained from voting.

NEW BUSINESS

PUBLIC HEARING RE. PLC19-0008 – DEFENDER PROPERTIES, LLC – 1140 BOYCE ROAD – NONRESIDENTIAL PLANNED DEVELOPMENT – TENTATIVE APPROVAL

Mr. Benigni stated that this is the initial public hearing Re. PLC19-0008 – Defender Properties, LLC – 1140 Boyce Road – Nonresidential Planned Development – Tentative Approval. Mr. Benigni reviewed the recommended public hearing procedures.

Those wishing to testify were sworn in by Commissioner Christie.

Mr. Benigni entered Township Exhibits #1 - #14, and Applicant Exhibits #1 - #12, into the record.

This application was considered by the Planning Commission at its regular meeting on August 15, 2019 and recommended for approval subject to certain conditions. Mr. Benigni stated that following the applicant’s presentation, Staff will recommend that the hearing be continued to Monday, November 4, 2019 for the purpose of taking Staff testimony.

Ms. Kimberly Gales-Dunn, J. R. Gales & Associates, commented that this application was filed by Mr. John Biedrzycki for Tentative Approval of a Nonresidential Planned Development. The proposed project would allow the conversion of an existing home into office space, adding a parking lot, utilities and stormwater detention facility located in the SB – Special Business District at 1140 Boyce Road.

Ms. Gales-Dunn presented a PowerPoint during which she explained the changes that are being proposed for 1140 Boyce Road. She explained in detail the stormwater detention facility being proposed for this project.

The applicant is requesting the following modifications:

1.1  
Section 130.13.3.1.2.4. requires a minimum site size of two (2) acres for all authorized uses.

- The applicant has requested a modification because the existing site size is 0.4577 acres and two (2) acres cannot be achieved.

1.2
Section 130.13.3.1.5.1. requires the front, side and rear yards be fifty (50) feet.

- The applicant has requested a modification because the existing dwelling encroaches on the 50’ side yards and is a preexisting condition.

Mr. John Biedrzycki commented that his law office will be at the location along with the South Hills Chamber of Commerce.
MOTION AND VOTE TO CONTINUE PUBLIC HEARING

Commissioner Seitanakis moved to continue the Public Hearing Re. PLC19-0008 – Defender Properties, LLC – 1140 Boyce Road – Nonresidential Planned Development – Tentative Approval to the Regular Board Meeting of November 4, 2019. This was seconded by Commissioner Orchowski and carried with a 7-0 voice vote.

OTHER BUSINESS

Commissioner Orchowski expressed his gratitude to the Township’s Public Works department for all of the great work they did after the storm passed through the Morrow Road area last week. He commented that after the storm, Public Works received numerous citizens’ requests for assistance. Commissioner Orchowski stated that all he has heard is compliments on all of the help that was received by the residents.

Commissioner Christie commented that an Executive Session of the Board will be held immediately following the meeting to discuss Legal matters.

ADJOURNMENT

Following a motion for adjournment by Commissioner Pardini and a second by Commissioner Logan, which carried with a 7-0 voice vote, the meeting was adjourned at approximately 9:20 PM.

Deborah A. Bakowski
Recording Secretary
October 2019
LITIGATION REPORT - SUMMARY
TOWNSHIP OF UPPER ST. CLAIR
September 27, 2019

I. CASES WHERE TOWNSHIP IS PLAINTIFF


E. Township of Upper St. Clair v. Elizabeth Chu - No. CV-245-2019 (Magistrate Arnoni)

F. Township of Upper St. Clair v. Meredith Remodeling, Inc. - No. CV-259-2019 (Magistrate Arnoni)

G. Township of Upper St. Clair v. CertaPro Painters of Pittsburgh-South Hills - No. CV-262-2019 (Magistrate Arnoni)


II. CASES WHERE TOWNSHIP IS DEFENDANT NOT DEFENDED BY INSURANCE CARRIER

NONE.

III. CASES WHERE UPPER ST. CLAIR IS DEFENDANT AND INSURANCE COMPANY IS DEFENDING

A. Folino v. West Penn Power and Upper St. Clair Township, GD 15-11969

IV. OTHER LITIGATION INCLUDING BANKRUPTCY MATTERS

A. David A. Mackowick - 12-26163

B. Marc Wolkoff - 13-21084

C. Meghan E. Webb - 13-22643
D. Lance and Susan Falce - 13-23468
E. Norman and Barbara Swiech - 13-24404
F. David and Mary Conn - 14-22699
G. Penny Caswell - 17-21249
H. Raymond and Michele Champagne - 14-23668
I. Vincent Kelly - 16-24838
J. Robert and Adriene Bruno - 15-22160
K. Linda K. Rutter - 15-24427

V. LAND USE

VI. OTHER LEGAL MATTERS

A. REDINGER V. ALLEGHENY COUNTY HEALTH DEPARTMENT
B. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY ACTION PURSUANT TO 33 U.S.C. §138
C. R&B CONTRACTING - ALLIED WORLD INSURANCE COMPANY BOND CLAIM
D. TOWNSHIP OF UPPER ST. CLAIR V. SUJILIDA, S.A. NO. 19-000168