BOARD OF COMMISSIONERS MEETING MINUTES

September 3, 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 Tuesday, September 3, 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 Seitanakis  Vice President
Commissioner Logan
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 Waller

PUBLIC: Approximately 19 people attended.

REVIEW OF BOARD OF COMMISSIONERS’ REGULAR MEETING MINUTES OF AUGUST 5, 2019

Commissioner Logan moved to approve the meeting minutes of August 5, 2019. This was seconded by Commissioner Orchowski and carried with a 6-0 voice vote.

PUBLIC COMMENTS

Mr. Steve Jones, 2481 Morton Road, asked the members of the Board if they have seen drawings and depictions of the Perimeter Trail plans. Commissioner Orchowski replied that the Board has seen those shown at a Public Works Committee of the Board meeting which are the same plans shown at the August 26th Board meeting during a presentation by staff. Commissioners Orchowski and Christie added that those plans will be included in the specifications for the bid process.

Mr. Jones expressed his disappointment in the plans of the Perimeter Trail that show many trees being removed and that plans for the slopes around the trail are not depicted. Mr. Serakowski confirmed for Mr. Jones that his request for information regarding the Perimeter Trail Plan is currently under review. In response to Mr. Jones’s inquiry regarding Regional Asset District’s (RAD) role in the Perimeter Trail project, Mr. Serakowski stated that RAD is only a funding agency; it does not oversee a project and is not involved in any inspections of the project.
Commissioner Pardini and Mr. Serakowski confirmed for Mr. Jones that the plans for the Perimeter Trail are approved by engineers prior to the project going out to bid.

Commissioner Christie thanked Mr. Jones for his comments and stated that the Board realizes the impact the Perimeter Trail has on his property.

OLD BUSINESS

PUBLIC HEARING RE. PLC19-0003 – TUSCANY POINTE – PLANNED RESIDENTIAL DEVELOPMENT – AMENDED TENTATIVE APPROVAL

Mr. Benigni stated that on August 15, 2019 staff received a withdrawal request from the applicant pertaining to PLC19-0003 – Tuscany Pointe – Planned Residential Development – Amended Tentative Approval. He explained that the Board of Commissioners must act to accept the withdrawal of this application which may be accomplished by a simple motion and voice vote.

Commissioner Logan recused herself from voting or speaking about this development due to her relationship with someone in opposition to this development and upon advice from Township council.

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

MOTION AND VOTE TO ACCEPT THE WITHDRAWAL RE. PLC19-0003 – TUSCANY POINTE – PLANNED RESIDENTIAL DEVELOPMENT – AMENDED TENTATIVE APPROVAL

Commissioner Orchowski moved to accept the withdrawal Re. PLC19-0003 – Tuscany Pointe – Planned Residential Development – Amended Tentative Approval. This was seconded by Commissioner Seitanakis and carried with a 5-0-1 voice vote. Commissioner Logan abstained from voting.

CONTINUED PUBLIC HEARING RE. PLC19-0005 – ST. CLAIR COUNTRY CLUB – UNIFIED CONDITIONAL USE / PRELIMINARY AND FINAL LAND DEVELOPMENT APPROVAL

Mr. Benigni stated that this is the continued public hearing Re. PLC19-0005 – St. Clair Country Club – Unified Conditional Use / Preliminary and Final Land Development Approval.

Mr. Benigni reviewed the recommended public hearing procedures and entered Township Exhibits #18 through #21, Applicant Exhibits #18 and #19, and Citizen Exhibits #1 through #6 into the record.

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

Mr. Benigni stated that last month the applicant provided a presentation about their proposed addition and renovation to the existing pool facilities in conjunction with related site improvements. The comments from the Township Traffic Engineer and Township Engineer have been addressed and staff recommends approval.

Commissioner Christie requested an update on the issue of golf balls from the country club’s driving range landing on surrounding properties. In response, Mr. Steve Gonzalez, General Manager of St. Clair Country Club advised the Board that the country club is aware of the situation, they have met
with surrounding neighbors and have taken short term and long term action to address this issue. In addition to some options discussed with the Township, Mr. Gonzales stated that the country club has applied for a variance with the Zoning Hearing Board to construct a net in the driving range area. The country club continues to explore other options in the spirit of being good neighbors.

In response to Commissioner Christie’s inquiry, Mr. Gonzalez stated that staff are in place on the tee and at the landing area the entire time the driving range is open to monitor ball flight and direction and this data is used to reorient the golfers and reposition the tee boxes. As a result, the country club is seeing a large reduction in golf balls landing across the road. Mr. Gonzalez further stated that he was unaware of a neighbor’s allegation that the amount of golf balls landing on her property have increased in the month of August from the previous month, and said that this contradicts the country club’s data.

Commissioner Christie expressed his appreciation for Mr. Gonzalez’s cooperation and stressed that the golf ball issue has nothing to do with the application before the Board this evening.

In response to Commissioner Paoly’s question, Mr. Gonzalez responded that the country club is doing everything possible to mitigate the errant golf ball issue and their application with the Zoning Hearing Board will be heard at the end of September.

Mr. Gonzalez further stated that the country club has monitored this situation for six (6) weeks and have met with their architect who came onsite and has collected data pertaining to flight trajectory. The country club is collecting bids for the construction of the netting.

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. PLC19-0005 – ST. CLAIR COUNTRY CLUB – UNIFIED CONDITIONAL USE / PRELIMINARY AND FINAL LAND DEVELOPMENT APPROVAL**

Commissioner Orchowski moved to close the public hearing Re. PLC19-0005 – St. Clair Country Club – Unified Conditional Use / Preliminary and Final Land Development Approval. This was seconded by Commissioner Paoly and carried with a 6-0 voice vote.

**MOTION AND VOTE TO APPROVE BILL NO. 9-19**

Commissioner Paoly moved to approve Bill No. 9-19 Re. PLC19-0005 – St. Clair Country Club – Unified Conditional Use / Preliminary and Final Land Development Approval. This was seconded by Commissioner Logan and carried with a 6-0 roll call vote.

**NEW BUSINESS**

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

Commissioner Seitanakis recused himself from this application as his business partner represents the applicant in this matter.

Commissioner Christie recused himself from this application because one of the parties in the case is his business client.
Mr. Benigni stated that this is the public hearing Re. PLC19-0001 – Ardolino Development Plan – Nonresidential Planned Development – Amended Final Approval.

Mr. Benigni reviewed the recommended public hearing procedures and stated that staff recommends that the hearing be continued to the October 7, 2019 Regular Board meeting for the purpose of taking staff testimony. This may be accomplished by a simple motion and voice vote.

Those wishing to testify were sworn in by Commissioner Christie.

Mr. Benigni entered Township Exhibits #1 through #32, Applicant Exhibits #1 through #29, Citizen Exhibits #1 through #8, and Allegheny County Exhibit #1 into the record.

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

Ms. Kim Gales-Dunn, JR Gales and Associates, provided a presentation of the development of the Ardolino property on Boyce Road on the overhead projector. This 2.51 acre property includes an existing pizza shop, the purchase of the Mendenhall property and the vacant property along Maple Lane. Ms. Gales-Dunn stated that the changes to the development plan of this property since the Board’s initial approval in 2012 include the following:

- The purchase of the Mendenhall property at 1131 Boyce Road.
- Access to the back end of the new proposed restaurant will be through the parking lot of the Mendenhall property.
- The intermittent stream along the property now requires a 35 foot buffer to be in compliance with the new stormwater management ordinance adopted by the Township in January. Because of this, the proposed development has remained the same, but the whole site had to be shifted to maintain this buffer. There will be a decrease in the impervious area due to the buffer area requirement.
- The proposed dry extended detention pond located below the existing parking lot of the pizza shop. The underground detention pond will empty into the stream.
- The three (3) pervious areas required by the new stormwater management ordinance.

Ms. Gales-Dunn added that the following modifications that were previously granted by the Board in 2012 are being requested by the current application:

- From Section 130.15.3.2.7. – from the requirement that no restaurant, including drive-in restaurants, are permitted within 400 feet of another restaurant.
- From Section 130.15.3.2.8.1.4. – from the requirement that there shall be no service of food or drink after 10:00 PM to permit outdoor dining until 11:00 PM.
- From Section 130.18.3.1.3.4. – from the requirement that all other Planned Developments have a minimum site size of 5 acres.

Ms. Gales-Dunn stated that the proposed number of parking spaces is more than what is required by Township Code. The existing pizza shop will have eight (8) additional spaces, and the Mendenhall property will have six (6) additional spaces than what is required.

Ms. Gales-Dunn explained that the stormwater discharge rates will be less with the new development, they have addressed all staff’s comments, and a stormwater consistency letter from Gateway Engineers has been received.
Mr. Yarsky, Legal Counsel, Sherrard, German & Kelly, PC, stated that this application was tabled by the Board about four (4) to five (5) months ago because of the stormwater management ordinance adopted by the Township which required the buffer area to be added to the development plan. Protracted litigation by BR Associates relative to the original stormwater plan approved by the Board in 2014 was another reason for the tabling of this matter. To go forward and as a result of that litigation, a new stormwater plan was proposed to Gateway Engineers who has concurred it meets the requirements of the new stormwater ordinance. The outdoor dining plan in the previous development has been eliminated due to the shift of the new building to maintain the buffer. The parking requirements have been met and the easements are being maintained between the three (3) properties. Mr. Yarsky emphasized that the only significant difference to the original development plan and the one before the Board this evening is a shift in the building to maintain the buffer area.

Mr. Yarsky predicted that representatives of BR Associates will say that their property is prone to flooding from the Ardolino property. However, testimony by BR’s property manager concluded that during the most significant storm last year, flooding to their property was due to overflow of gutters off the roof. All flooding issues as a result of massive storms in 2013 and 2014 have been addressed by Gateway Engineers and the County.

In response to Commissioner Paoly’s question, Mr. Yarsky stated that since the new restaurant will have no outdoor dining, no condition to the Code is necessary and that request for modification pertaining to outdoor dining will be removed from the application.

Mr. Yarsky confirmed for Commissioner Orchowski that there will be no access from Maple Lane; the access will remain to the pizza shop and from the Mendenhall property. The proper Highway Occupancy Permits (HOP) and stormwater management permits have been obtained or are in the process of being obtained.

Mr. Sandy Garfinkel, attorney with Eckert Seamans, represents BR Associates, who owns the property known as St. Claire Plaza directly next door to the Ardolino property on the other side of Maple Lane and downhill from the development. Mr. Garfinkel stated that he has expressed continued concerns in the past of stormwater flooding from storms in 2013 and 2014 causing over one-half million dollars in damages to St. Claire Plaza. Because of the flooding issues, it has been difficult for BR Associates to maintain tenants. BR Associates has no objection to the new restaurant, but has concerns only of the stormwater management with the proposed development. BR Associates has engaged two (2) stormwater engineer specialists who have reviewed the development plans and the property and have critiqued the plans in conjunction with stormwater management ordinance passed in January, 2019.

Mr. Garfinkel introduced Mr. Geoffrey Phillips, Phillips and Associates, 1122 Mossise Boulevard, Wall, PA 15148. Mr. Phillips stated that he is a licensed professional engineer with thirty (30) years experience and has reviewed the plans submitted on June 19, 2019 of the proposed development of the Ardolino property by JR Gales and Associates. Mr. Phillips reviewed with the Board in detail his report dated July 16, 2019 covering nine (9) sections of the new stormwater ordinance that, in his opinion, the proposed stormwater management plans for the Ardolino development does not comply. A copy of the report was submitted to each Commissioner of the Board.

Mr. Firman asked Mr. Garfinkel and Mr. Phillips to provide Mr. Yarsky with their report, if they have not done so already.
Commissioner Christie thanked Mr. Phillips and requested the Township Engineer to review Mr. Phillips’s findings and to address them at the continued public hearing on October 7, 2019.

Mr. Garfinkel confirmed for Commissioner Orchowski that Mr. Phillips’s report was sent to Township staff, the applicant, Gateway Engineers and Mr. Firman on June 17, 2019. The report was provided to Gateway and staff prior to the start of the Planning Commission meeting held earlier this summer.

Mr. Garfinkel stated that no engineer, on behalf of the applicant or the Township, has addressed the findings in Mr. Phillips’s report, but he is looking forward to it being discussed at the next Board meeting.

Mr. Garfinkel then introduced stormwater engineer, Ms. Martha Frech, President, Streamline Engineering, 110 Allen Street, Lower Burrell, PA 15068, who has been involved in this development since 2014. Ms. Frech provided a brief curriculum vitae of her background and credentials and then stated that she reviewed the report prepared by Mr. Phillips and concurs with its findings and the statements made by Mr. Phillips this evening.

Mr. Steven Wright, 2288 Glendale, a principal of BR Associates, stated that BR Associates only wants to make sure there will be no increase in stormwater coming onto BR’s property as a result of this development. If the Township Engineer refutes all nine (9) points of Mr. Phillips’s report, then BR Associates will have their engineer review those findings.

Mr. Yarsky wanted to emphasize that at the Planning Commission meeting, the Gateway engineer stated that the applicant’s stormwater plan does meet the requirements of the Township’s stormwater ordinance and that the amount of stormwater dissipated after the development is complete will be less. Since the property owned by BR Associates is down hill from the Ardolino property, even without the proposed development, there is a high potential for flooding.

Mr. Garfinkel responded that BR Associates is not asking for the developer to fix the flooding problem; they are requesting that the development plan comply with the nine (9) areas of the stormwater ordinance raised by Mr. Phillips. Mr. Garfinkel then introduced the following two (2) documents into evidence: Mr. Phillips’s report of July 16, 2019, and Mr. Phillip’s resume.

Commissioner Paoly expressed his hope that there is a detailed response by staff to the nine (9) points raised by Mr. Phillips at the next Board meeting.

In response to Commissioner Orchowski’s question, both Mr. Firman and Mr. Serakowski concur that it is the applicant’s obligation to prove that the requirements of the development plan meet the Code of the Township.

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

**MOTION AND VOTE TO CONTINUE THE PUBLIC HEARING RE. PLC19-0001 – ARDOLINO DEVELOPMENT PLAN – NONRESIDENTIAL PLANNED DEVELOPMENT – AMENDED FINAL APPROVAL**

Commissioner Paoly moved to continue the public hearing Re. PLC19-0001 – Ardolino Development Plan – Nonresidential Planned Development – Amended Final Approval to the Board of Commissioners’ Regular meeting of October 7, 2019. This was seconded by
Commissioner Pardini and carried with a 4-0-2 voice vote. Commissioners Christie and Seitanakis abstained from voting.

**RECOMMENDATION RE. RESOLUTION AUTHORIZING THE APPROPRIATE TOWNSHIP OFFICIALS TO EXECUTE AND SUBMIT APPLICATIONS FOR TRAFFIC SIGNAL APPROVAL TO THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION**

Mr. Benigni stated that as part of PennDOT’s highway construction project on S.R. 0019 (Washington Road), PennDOT will be replacing all of the traffic signal equipment and adding an adaptive traffic signal system at the intersections of Fort Couch Road, Siena Drive/Concourse Drive, Village Drive/Fieldgate Drive and Devonwood Drive/Brookside Boulevard. PennDOT requires that the Board of Commissioners pass a Resolution that authorizes the appropriate Township Officials to execute and submit the applications for traffic signal approval.

Mr. Benigni explained that Resolution No. 1678 designates the appropriate Township Officials to execute all documents with regard to the traffic signal applications. This Resolution may be adopted by a simple motion and roll call vote.

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

**MOTION AND VOTE TO ADOPT RESOLUTION NO. 1678 AUTHORIZING THE APPROPRIATE TOWNSHIP OFFICIALS TO EXECUTE AND SUBMIT APPLICATIONS FOR TRAFFIC SIGNAL APPROVAL TO THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION**

Commissioner Orchowski moved to adopt Resolution No. 1678 authorizing the appropriate Township officials to execute and submit Applications for Traffic Signal Approval to the Pennsylvania Department of Transportation. This was seconded by Commissioner Logan and carried with a 6-0 voice vote.

**RECOMMENDATION RE. APPROVAL OF CONTRACT**

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

<table>
<thead>
<tr>
<th>Storm Sewer Video Inspection</th>
<th>Year</th>
<th>Unit Price per Lineal Foot</th>
<th>Total Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Robinson Pipe Cleaning Co.</td>
<td>2020</td>
<td>$2.80</td>
<td>$ 210,000.00</td>
</tr>
<tr>
<td>Pittsburgh, PA</td>
<td>2021</td>
<td>$2.95</td>
<td>$ 221,250.00</td>
</tr>
</tbody>
</table>

Total $ 633,750.00

Mr. Mansfield stated that this contract calls for approximately 75,000 lineal feet to be televised, cleaned, and GPS completed on an annual basis. A simple motion and voice vote will authorize this contract.

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

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

Commissioner Logan moved to approve the above contract. This was seconded by Commissioner Paoly and carried with a 6-0 voice vote.
OTHER BUSINESS

Commissioner Christie announced that the Board would be meeting in Executive Session to discuss Legal Matters following adjournment of this Board of Commissioners meeting.

ADJOURNMENT

Following a motion for adjournment by Commissioner Paoly and a second by Commissioner Pardini, which carried with a 6-0 voice vote, the meeting was adjourned at approximately 8:47 PM.

Prudence Cooper
Recording Secretary
September 2019