BOARD OF COMMISSIONERS MEETING MINUTES

July 6, 2020

The regular meeting and public hearing 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 6, 2020 in the Community Rooms, Community & Recreation Center at Boyce Mayview Park, 1551 Mayview Road, Upper St. Clair, PA. The Pledge of Allegiance was recited by all present.

PRESENT:

Commissioner Paoly  Vice President
Commissioner Logan
Commissioner Orchowski
Commissioner Pardini
Commissioner Plutko
Commissioner Waller

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

EXCUSED:

Commissioner Christie  President
Matthew R. Serakowski  Township Manager

PUBLIC:  Approximately 6 people attended.

REVIEW OF BOARD OF COMMISSIONERS’ REGULAR MEETING MINUTES OF JUNE 1, 2020

Commissioner Logan moved to approve the Regular Meeting Minutes of June 1, 2020. This was seconded by Commissioner Plutko and carried with a 6-0 voice vote.

PUBLIC COMMENTS

Mr. Wayne Harrod, 89 Long Drive, expressed his concern about fireworks that were detonated in his neighborhood for the July 4th holiday. Mr. Harrod claims the fireworks were of commercial caliber, and not the ones sold for private use. He expressed that he could not locate any provision in the Township Code relating to restrictions on fireworks, but claims that state law dictates there can be no aerial fireworks within 150 feet of a residence. As a result of the fireworks detonated in his neighborhood, there was debris in his yard. He thought that the police should have been able to intervene.

Commissioner Paoly had a similar experience in his neighborhood and fireworks could be heard all over the Township.
Commissioner Orchowski suggested that some sort of Public Safety Announcement be made next year prior to the July 4th holiday.

Commissioner Paoly thanked Mr. Harrod for his comments which the Board will take under advisement.

Mr. Mansfield read an email sent to the designated Township email address for citizen’s comments from Mr. Craig Stuver of 1740 Quigg Drive that was received earlier today. Mr. Stuver raised seven (7) issues of concern and follow up on the status of cleanup and upkeep of the Hawk property that was addressed at the June 1st Regular Board meeting.

Mr. Mansfield stated that Mr. Benigni and his staff were out to the Hawk property today, but deferred to Mr. Firman to provide a status update since this matter is in litigation. Mr. Firman shared that normally the Township does not comment on individual code enforcement cases. This matter is set for trial in September; however, it may not go forward at that time due to COVID-19 restrictions. Township Staff continues to monitor the property, but it is premature to lien the property as no judgement has been made on this case.

Mr. Benigni added that Community Development Staff is in contact with the Stuvers and their neighbors, the Halacknas. When Staff visited the Hawk property today, the owner was actively cutting the grass. Staff will return to the property tomorrow to make sure the entire property was mowed.

Ms. Maria Simbra, 2276 Glendale Drive, has appeared before the Board in the past expressing her concern with the dangers of golf balls being hit from the driving range at St. Clair Country Club (“Club”) onto Old Washington Road, her property, and surrounding properties endangering drivers and pedestrians. Tonight, she provided the Board with a status update stating that since the Club’s reopening at the beginning of June, 42 balls were found on her property or an average of just over one ball per day. Ms. Simbra provided Mr. Mansfield photos of the golf balls found on her property and near a sign on Old Washington Road. Ms. Simbra will also email the Township Manager a video taken of the teaching tee at the Club.

Ms. Simbra opined that the actions that the Club has taken, namely temporarily suspending the use of distance clubs, such as woods, at the driving range, planting trees and installing netting, has not alleviated the problem. Due to the obvious hazards to pedestrians and drivers, personal property, in addition to liability issues, Ms. Simbra asked if the Board of Commissioners has any authority to shut down the driving range and teaching tee or fine the Club for each golf ball that goes off their property. Ms. Simbra appreciates the long term plans the Club plans to take to resolve this issue, but is more concerned about the ongoing problem in the short term.

Commissioner Orchowski stated that the Township does not want this problem to continue.

Mr. Benigni indicated that he reached out to the Club last week and they are taking this issue seriously and are taking steps to resolve this problem. In addition to not allowing woods to be used, the Club may permit only distance limiting golf balls be used. The Club is also working with the golf course architect to redesign the driving range with the long-term goal of eliminating one of the holes on Terrace 9 to change the direction of the golf balls off the driving range. Mr. Benigni intends to meet with Club staff this week to discuss concrete ways to resolve this problem.
Mr. Firman stated that when this issue was raised last year, mitigation efforts were made with the Club’s planting of trees and the installation of the net. Now that we see that these efforts have not completely solved the problem, additional mitigation measures need to be taken. The Township can not unreasonably interfere with the property of another.

Commissioner Pardini suggested that Ms. Simbra resolve this legally through the Magistrate.

Commissioner Orchowski stated that the Club did take action, but they need to do more to resolve this issue.

Commissioner Paoly thanked Ms. Simbra for her comments and he looks forward to seeing future reports about this matter and Ms. Simbra agreed to keep the Township updated on this issue.

Composer Paoly asked if there were any additional public comments or comments from the Board and there were none.

OLD BUSINESS

None.

NEW BUSINESS

RECOMMENDATION RE. PLC20-0004 – WOODSHIRE ESTATES – PRELIMINARY AND FINAL SUBDIVISION APPROVAL

Mr. Benigni stated that the purpose of this application is to consolidate seven (7) parcels into two (2) parcels located between Locust Lane and Quigg Drive. Mr. Benigni then introduced Mr. Bill Sittig who will be the first presenter for PLC20-0004 – Woodshire Estates – Preliminary and Final Subdivision Approval.

Those wishing to testify were sworn in by Commissioner Paoly.

Mr. Bill Sittig, attorney with Sittig, Cortese & Wratcher, 1500 Frick Building, Pittsburgh, representing property owner M & D Properties, Inc., advised the Board that the Planning Commission recommended denial of this application, but a complete explanation of the plan may not have been provided to the Planning Commission. Mr. Sittig accompanied his presentation with plans viewed on the overhead screen.

Mr. Sittig stated that the current configuration of the lots in this plan shows seven (7) different parcels with Lot 1 fronting Locust Lane. The remaining parcels do not front any public street and the supposition has been that they are not usable lots.

Mr. Sittig is proposing a solution by erasing the lot lines and combining the 6 lots into one 10 acre lot (Lot 2). In addition, there will be a carve out of Lot 1 for a driveway accessible from Locust Lane to the proposed single-family dwelling (SFD) on Lot 2. The house on Lot 1 would remain and there would only be the one (1) house built on Lot 2. Access from Quigg Drive to Lot 2 is not feasible due to the physical constraints of the property. The only legitimate access to both lots is from Locust Lane.

Mr. Sittig realizes the Township’s prohibition against flag lots; however, the applicant is proposing a reasonable use of the property. A provision of the Zoning Code is a required 90 foot frontage, but as a legal matter, this lot does not have frontage due to the driveway access to Locust Lane.
Mr. Sittig added that neighbors should take comfort knowing that there will be no more than one (1) SFD on the 10 acre lot. There will be no additional traffic as the only driveway is located on Lot 1. There will be no encroachment on the vacated paper street.

Mr. Sittig then introduced Mr. David Lucci, landscape architect with Victor-Wetzel Associates, 409 Broad Street, Sewickley.

Mr. Lucci emphasized that Lot 1 currently has full frontage to Locust Lane. Frontage to Locust Lane will be shortened to allow access to Lot 2. The applicant is proposing that instead of access to Quigg Drive from Lot 2, access will only be to Locust Lane. Most of Lot 2 is undevelopable, limiting the placement of the SFD and any further development of that lot.

Mr. Lucci stated that there are many environmental problems with connecting the proposed Lot 2 to Quigg Drive. These include, but are not limited to, the stream that bi-sects Lot 2; the 35-foot-high embankment off of Quigg Drive; 15,000 cubic yards of fill required to install a driveway from Quigg Drive; the 255 foot culvert to tighten the stream requiring joint permitting from the Army Corps of Engineers and the DEP; enclosing the sanitary sewer line; and mitigating .3 acres of wetlands that would need to be removed. The cost for connecting access off of Quigg Drive to Lot 2 is also a factor which would total $330,000.

Mr. Lucci added that the connection off of Lot 2 to Locust Lane would only require minimal grading and that the right side of the property that is against the neighboring property would remain untouched. There would be two (2) modifications: the flag lot access to Locust Lane and removing the access to Quigg Drive which would involve modification to the lot frontage.

Mr. David Steinbach, partner, M & D Properties, Inc., 3700 S. Water Street, Suite 150, Pittsburgh, stated that he purchased this property adjacent to the Hempstead Woods Plan in 1989 with the intention to develop it. Over the years many different plans were developed; however, access from Quigg Drive was not feasible and too costly. M & D Properties was recently able to purchase the existing house on Lot 1; therefore, developing the property was reexamined. It was determined that access off of Quigg Drive is legal, but not practical. Mr. Steinbach is asking the Board for access to Locust Lane for Lot 2.

Mr. Sittig added that regulations for wetlands are much more rigorous. There are serious impediments to regulatory issues by accessing Quigg Drive from Lot 2.

Discussion ensued amongst the Board and the applicant and his representatives regarding:

- the impractical access from Lot 2 to Quigg Drive
- location and elevations of the structures on both lots and the driveway on Lot 1
- confirmation from Mr. Benigni that the modifications from the landlock and double frontage provisions of the Township Code were discussed, but not specifically presented to the Planning Commission
- the house on Lot 1, which is not historically protected, will not be for sale until development of this property is resolved
- leaving maximum flexibility to the eventual owner of Lot 2 as to the use of the undevelopable portion of the lot, perhaps as a conservation district
Mr. Firman confirmed for Mr. Sittig and for the record that the memo Mr. Sittig submitted Thursday afternoon is part of this application and that Mr. Sittig and the applicant had nothing else to add for the Board this evening.

Mr. Benigni reviewed the history of the previous approvals of this property by stating that the process of eminent domain was used by the Township for the cul-de-sac on Quigg Drive. In 2005, preliminary approval of this development was obtained, but final approval was never pursued for reasons discussed this evening. Around this time, the Township firmed up the Code pertaining to flag and double frontage lots.

Mr. Benigni continued that, although the Planning Commission recommended denial for the current application, Staff is recommending that the Board table this application knowing that there is pending litigation with this property; however, that should not affect this matter. Mr. Benigni expected residents to attend tonight’s meeting to voice their opinion about this development, but none are present.

Mr. Benigni added that there is a third modification that the applicant must request in writing. It involves a modification of the Township Zoning Code which requires a minimum lot width of 90 feet in the R1 Single Family Residential District. Staff does acknowledge that the lot width of most of the property far exceeds the 90-foot lot width requirement. However, the front building line of the lot is also known as the front yard setback. The front yard setback in the R1 Single Family Residential District is 50 feet as measured from the front property line. The proposed lot width of Lot 2, as measured at the front yard setback line, is 50 feet which is 40 feet less than the required 90-foot lot width.

Mr. Sittig verbalized a formal request to the Board that the applicant wishes to make the third modification described by Mr. Benigni. However, Mr. Firman confirmed for Mr. Sittig that the explanation for the modification to the definition of Lot Width must be made in writing to the Township at least two (2) weeks prior to the next Regular Board meeting on August 3, 2020.

In response to Commissioner Orchowski’s question, Mr. Benigni opined that the flag lot provision in the Township Code was enacted because flag lots do not keep with the character of the community.

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

**MOTION AND VOTE TO TABLE RECOMMENDATION RE. PLC20-0004 – WOODSHIRE ESTATES – PRELIMINARY AND FINAL SUBDIVISION APPROVAL**

Commissioner Waller moved to table Recommendation Re. PLC20-0004 – Woodshire Estates – Preliminary and Final Subdivision Approval to the Board of Commissioners’ Regular Meeting on August 3, 2020. This was seconded by Commissioner Logan and carried with a 6-0 voice vote.

**RECOMMENDATION RE. RESOLUTION AUTHORIZING THE APPROPRIATE TOWNSHIP OFFICIALS TO EXECUTE A RIGHT-OF-WAY GRANT AGREEMENT WITH VERIZON PENNSYLVANIA, INC.**

Mr. Benigni stated that as part of the construction of the Perimeter Trail in Boyce Mayview Park, it has been determined that a utility pole located near the intersection of Morton Road and Lattidome
Drive and owned by Verizon Pennsylvania, Inc. needs to be relocated in order for the Township’s contractor to complete the construction of the Trail. The Pennsylvania Public Utility Commission requires a Resolution be passed in order for the Township to grant Verizon an easement to move the utility pole. The cost to move the utility pole will be borne by Verizon.

Mr. Benigni continued that Resolution No. 1688 designates the appropriate Township Officials to execute all documents with regard to the right-of-way agreement between the Township of Upper St. Clair and Verizon. This Resolution may be adopted by a simple motion and roll call vote.

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

**MOTION AND VOTE TO ADOPT RESOLUTION NO. 1688**

Commissioner Orchowski moved to approve Resolution No. 1688 authorizing the appropriate Township Officials to execute a Right-Of-Way Grant Agreement with Verizon Pennsylvania, Inc. This was seconded by Commissioner Plutko and carried with a 5-1 roll call vote. Commissioner Pardini cast the negative vote.

**RECOMMENDATION RE. APPROVAL OF APPOINTMENTS AND REAPPOINTMENTS TO VARIOUS BOARDS/COMMISSIONS OF THE TOWNSHIP OF UPPER ST. CLAIR**

Mr. Mansfield stated that Staff is recommending the Board of Commissioners approve the following reappointment and appointment which may be accomplished by a simple motion and voice vote:

- **Civil Service Board – 3 year term**
  P.J. Murray III

- **Planning Commission – 4 year term**
  Robin Weissert (New Appointment, ½ year term expires 2020)

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

**MOTION AND VOTE RE. APPROVAL OF APPOINTMENTS AND REAPPOINTMENTS TO VARIOUS BOARDS/COMMISSIONS OF THE TOWNSHIP OF UPPER ST. CLAIR**

Commissioner Pardini moved to approve the above reappointment and appointment. This was seconded by Commissioner Logan and carried with a 6-0 voice vote.

**OTHER BUSINESS**

Commissioner Orchowski stated that there are wires hanging down from split poles at the intersection of Englewood Drive and Morrow Road. He asked that attention be given to this matter to have it cleaned up.

Commissioner Logan announced her resignation from the Board of Commissioners effective July 7, 2020. Her home in Upper St. Clair has sold and she and her family will be relocating to Washington, DC. Commissioner Logan expressed regret that she is unable to finish her term as
Commissioner, and that it was a great privilege to serve this community with its wonderful schools. She also thanked the residents of Ward 2.

Commissioner Paoly wished Commissioner Logan the best of luck in her future endeavors in Washington, DC.

Mr. Mansfield added that the process to appoint a Commissioner for Ward 2 to replace Commissioner Logan will start immediately. Township Code dictates that the Board has 30 days from Commissioner Logan’s resignation date to appoint a replacement. Commissioner Logan did submit a formal resignation to the President of the Board and Mr. Serakowski.

Commissioner Paoly asked if there were any additional comments from the Board and there were none.

**ADJOURNMENT**

Following a motion for adjournment by Commissioner Waller and a second by Commissioner Pardini, which carried with a 6-0 voice vote, the meeting was adjourned at approximately 8:37 PM.

Prudence Cooper  
Recording Secretary  
July 2020