

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 Chairman at 7:30 PM, Thursday, February 16, 2023, in the Township Municipal Building Board of Commissioners' Meeting Room, located at 1820 McLaughlin Run Road, Upper St. Clair, PA 15241.

PRESENT: David Sirota
Yvonne Piecknick
Jake Polochak
David Wade
Adam McGurk
Adam Benigni, Director of Planning and Community Development
Chris Cahillane, on behalf of the Township Attorney
Matthew Innes, Planning and Zoning Assistant
Callie Munch, Community Development Department Secretary

ABSENT: Robin Weissert, Jeffrey Krantz

PUBLIC: Ryan Wotus, attorney for RIT McMurray LLC
35 residents as per the Attendance Log

CONSIDERATION OF THE MINUTES OF THE INFORMATIONAL AND REGULAR MEETINGS OF FEBRUARY 16th, 2023

On motion by Mr. Wade, seconded by Ms. Piecknick, carried by a voice vote, 5 Yes, 0 No, 2 Absent, 0 Abstain, the minutes were approved for filing as written.

OLD BUSINESS

PLC23-1301 – ZONING MAP AMENDMENT FOR REZONING BLOCK/LOT NO. 668-L-116 AND PORTIONS OF BLOCK/LOT NOS. 668-G-200, 668-H-200 AND 668-H-200-1 FROM R1 SINGLE FAMILY RESIDENTIAL DISTRICT AND R2 SUBURBAN RESIDENTIAL DISTRICT TO R4 LOW-RISE MULTIFAMILY DISTRICT.

Mr. Sirota addressed the audience, explained the order of the agenda and the next steps of the re-zoning process.

Mr. Ryan Wotus, attorney for the proposed developer (RIT McMurray), reintroduced the project to the Planning Commission by presenting a survey of the developable property, which consists of 40 total

acres which spans between both of Upper St. Clair and Bethel Park, explaining in detail the locations of major streets and landmarks. He continued by distinguishing the municipal boundary and the zoning of the parcels to be included in the rezoning application, which would be the 12 ½ acres of the southwestern area of the survey shown, and explained the landscape of the area that would act as the border to the neighboring properties to the north of the site.

Mr. Wotus then presented an additional map to show an overlay of the proposed rezoning combined with the property survey, as requested by the Planning Commission at the previous meeting.

Mr. Wotus then presented the preliminary proposals for possible access points to the site but explained that it would have to go through municipal and PennDOT approvals, as McMurray Road is a state road. He explained that PennDOT would review traffic studies and determine traffic counts that would be permitted to the site and required improvements to be completed by the developer. He added that the proposed plan is hopefully to connect to the existing intersection of McMurray Road and South Park Road which may require lane widening to add turning lanes. An application has already been submitted by the developer, in coordination with Bethel Park, for a multi-module grant to make the improvements. This has been awarded and funds have been set aside to make those improvements to the intersection, as needed.

Mr. Wotus pointed out another possible access point on the map and stated that there is no proposal to connect to Willowbrook Road as part of any future development and that any access would strictly be from McMurray Road.

Mr. Wotus referenced the Upper St. Clair Comprehensive Plan, valid from 2015 to 2025, and summarized some of the purposes, goals and visions of the plan which include providing a healthy housing stock that includes different styles, densities, and products for both future generations and aging population needs, then presented a future land use map that may be found in the Comprehensive Plan. Mr. Wotus explained that there are only 3 other areas in the Township that are an R-4 Zoning District, and as a result of that, the proposed project meets the goals of the Comprehensive Plan. He reminded all in attendance that the meeting is not to approve any development plans or proposed land uses but to rezone the parcels. He continued by stating that any proposed uses for the land would also have to go through both the Planning Commission's recommendation and the board of commissioner's approval, both would allow the public to attend and provide comments.

Mr. Sirota then asked the members of the Planning Commission if they had any questions or comments for Mr. Wotus and then members of the public would be invited to speak.

Mr. Wade asked that a map provided to the Commission members be passed around to the audience for their review, a member of the staff then went to get the map in a pdf format to present on the screen.

Ms. Piecknick requested to revisit the slide showing the possible access points and inquired about the extension off Southridge Drive, Mr. Wotus explained it is a conceptual proposal for a possible development of single-family dwellings extending from the existing Southridge Drive.

Mr. McGurk inquired whether the access points would be private drives or public roads to the Township's specifications, Mr. Wotus explained that the entrance off South Park Road is anticipated to be private and pointed to a part of the map showing an access point that would be a public road.

Mr. Wotus presented that aforementioned map that shows the municipal boundary, the parcels proposed to be rezoned along with the other parcels included with the property.

Public Comments:

Kathleen Kitner, 365 Southridge Drive, asked what the plans were for in the section of the map (then being shown on the screen) that is highlighted in blue but not outlined with a dark black border. Mr. Wotus explained that it would stay as R2 and if developed in the future, single-family homes would be built.

Bryan Skruck, 2551 Willowbrook Road, stated that he was in attendance with his mother and lives on the end of Willowbrook Road above where it's labeled "subject property" on the map. He asked if the Southridge part that is shown to be extended has already been approved as it's showing as subdivided lots on the county website but did not appear that way a month ago. Mr. Wotus replied that it had been subdivided many years ago. Mr. Benigni added that it had been laid out in the 1960's but was never developed. Mr. Skruck stated that he had met with the county around 10 years ago and was told that part of the property behind him could not be developed because it is considered wetlands and it is currently like a swamp. He added that there is also a storm creek that trickles but it floods when there is a lot of rain. He then asked what the stormwater management plans are. Mr. Wotus replied that that would go through both the Allegheny County Conservation District and the Township and that pre-development flows would have to match the post-development flows, so the proper procedures would have to be put in place to make that happen. Mr. Skruck asked if there were plans to connect Willowbrook to access the new development, Mr. Wotus replied that there were not.

Erin Dixon, 370 Southridge Drive, stated that when they moved into their home in 1993, there were trees behind the property and they knew that the property could be developed at some point. However,

John Murphy a neighbor had trimmed and cut down the trees, including some of their own. They took the neighbor, John Murphy, to court but were not successful as they did not have a survey with them, they then had their property resurveyed and it shows that their trees had been cut down. She said that the neighbor had cut the trees down all in one day and had left a pile of them sitting there for two (four, as per audience member) years which has led to an influx of rodents and raccoons in the area. A member of the audience, Jackie Shahr (374 Southridge Drive), showed a poster showing the view from the rear of their property.

Mr. Polochak asked that Ms. Dixon and Ms. Shahr show the Planning Commission where their houses are located on the map shown.

Ms. Shahr stated that she would like to know if their cul-de-sac on Southridge Drive would be connected and used as an access point for the new development.

Ms. Dixon added that there are additional wildlife in the area since the trees were cut down, audience members adding that there are also coyotes in the area now as well.

Mr. Cahillane asked that members of the audience take turns speaking and approaching the microphone one at a time to keep a proper record of the meeting.

Ms. Dixon continued by explaining how all their properties have been devalued since the trees have been cut down.

Mr. Polochak asked how the community would feel if Mr. Murphy promised to clean up the wood pile and if it was made a condition to move forward, Ms. Dixon stated they had promised, and nothing was done. Further discussion was held.

Mr. McGurk reminded the audience that the Planning Commission meeting was to review the application to rezone the property and that they did not have any authority for property in Bethel Park, as some of the resident's property are partly in Bethel Park Township. He continued by suggesting that residents set up a time to meet with Township staff to discuss their concerns about property maintenance.

Dave Dixon, 370 Southridge Drive, explained more in detail of the large mound of trees and rocks that were dumped behind their property and reiterated some of the information that Ms. Dixon provided. He said that he had called Upper St. Clair, as that is where his property is located, and was told that they weren't able to do anything about it as the mound was on Bethel Park property. Mr. Dixon said that the trees of theirs that were cut down by Mr. Murphy were in Upper St. Clair.

Mr. Dixon stated his worries about a possible Sheetz being built on the Bethel Park side of the property and wanted to share his concerns about the lighting that would come from that and affect his home as Al's Café's lighting is sometimes on until 4:00 AM.

Mr. Wotus asked it to be put on the record that he is not there on behalf of John Murphy.

Mr. Dixon stated he would like to know what is being done in Bethel Park as it will affect his and his neighbors as well and that they should be invited to any meetings that they are having about this property. Mr. Wotus explained that there are currently not any meetings being held in Bethel Park in regard to a development at that property. Mr. Dixon replied that he had heard there was a Sheetz being built, Mr. Wotus stated any plan that has been mentioned are just rumors and then repeated that his clients would be purchasing the property from Murphy, and he does not represent him.

Kathleen Kitner, 365 Southridge Drive, reapproached and explained that she had purchased her home in Upper St. Clair in 1976 because she believed it was a safe, reliable and secure residential community with a high standard school district. She recited the standards found on the Community Development page of the Township website and states that she hopes that the township upholds those standards for the residents, as they are feeling insecure and unsure with the uncertainty of what's to come with the property in question. She added that the traffic in the area is already difficult to maneuver as it is and gave an example of some of the traffic issues she has recently encountered, and her concerns about the possible light and noise pollution that a line of trees planted between could ensure some relief to the residents.

Mr. Polochak ensured that anything developed on that property would require a conditional use application be brought to the Planning Commission and that conditions, such as planting a line of trees, could be placed on the applicant for approval.

Keith McAllister, 2450 Willowbrook Road, stated that some information has been passed around and asked about the proposed extensions of Southridge Drive and Willowbrook Road. Mr. Wotus replied that that has not been proposed. He then asked what, other than senior living facilities, the R4 Zoning District covers as far as types of uses, a reply from an indistinguishable source replied other types include high density, low rise structures. Mr. McAllister continued by asking why the property needs to be rezoned if there are not any plans in the works. Mr. Wotus explained that the developers are looking into possibilities but that nothing is concrete now as the correct zoning is not in place.

Mr. Sirota reminded audience members that the Planning Commission meeting taking place is being held to rezone the property as shown on the map, outlined with the bold black border.

Tracey Hanna, 378 Southridge Drive, stated that her main concern was the extension of Southridge Drive. Although it's been said that it is not being proposed, she stated she believes it's still going to happen and asked that if there is an extension with more single family homes, will it be able to handle all the extra traffic and how many houses would be built.

Mr. Wotus answered that they do not currently have a layout that would show how many homes could be built and that there are limitations based off lot sizes and other criteria as written in the R2 Zoning District code; and that extension of homes off Southridge Drive could be done today with no need for Planning Commission or Board of Commissioner approvals. He added that PennDot and the Township would have to do a review of the traffic counts. Ms. Hanna explained that it would not only add a lot of traffic to the street but that it is hard to get off of Southridge Drive onto McMurray Road as well and if there would be a plan to put a traffic light at that intersection. Mr. Wotus explained that PennDot wouldn't allow that due to traffic warrants that would be found during their review. Ms. Hanna asked if they could request things like speed bumps, Mr. Wotus answered that that would be a request for the Township.

Ms. Hanna explained that some of her property is in Bethel Park and that they have a program where they will plant trees and asked if Upper St. Clair had a similar program to put up a barrier. Mr. Benigni explained that Upper St. Clair had an arborist on staff at the Public Works department but does not believe that they have a program similar to that. Mr. McGurk added that the planting of trees could be made a condition of the development, Ms. Hanna asked if there could also be a condition to have the large mound removed as well. Members of the Planning Commission added that they could not speak to that condition specifically. She then asked how, since she and her neighbors did not receive notice from Bethel Park, can they be involved when there are talks about building on the land. Mr. McGurk replied that Bethel Park holds public meetings and Upper St. Clair does not have any authority over the Bethel Park portion of the property and that residents would have to reach out to Bethel Park to voice their concerns.

Mr. Wade reminded those in attendance that the meeting being held was not to discuss or vote on the extension of Southridge Road

Donny Hamilton, 2562 Willowbrook Road, pointed to a location on the map, shown not to be developed, and explained that it is a densely wooded area with a lot of wildlife and asked if there were any plans for that area and where the possible senior living facility would be located. Someone in attendance pointed out that it would be located in the bold outlined area to be rezoned. Mr. Wotus

explained again that there are currently not any engineered plans so an exact location has not been determined. Mr. Hamilton stated that he has followed community and urban planning for many years and believes that decisions made at this level are what ultimately impacts neighborhoods and communities. He explained that he is new to the community but has noticed that there is a strong community character and that any decisions made regarding zoning will impact Upper St. Clair and cities across the country and care should be taken as to what is allowed to be developed. He asked if this is one large project or multiple smaller development projects as he has heard many different things, if there was a “community development agreement” in place and the points of ingress and egress. Mr. Hamilton added that if Upper St. Clair knew anything about what’s being planned in Bethel Park or could help in any way to keep them informed, it would be very beneficial. He asked what the plans were regarding watersheds if and when the senior living facility, additional single family homes or a Sheetz were developed. He then voiced his concerns for the impact of the community character the residents have created.

Mr. Wade asked the audience if they feel as though Bethel Park is not communicating with them, the audience answered in the affirmative. A member of the audience commented that they live in Bethel Park and have not received any correspondence from their township.

Mr. Polochak inquired whether Upper St. Clair could contact Bethel Park to discuss the property, Mr. Benigni replied that they could and stated that he lives nearby and has tried to get the DEP to do something about the maintenance of the property as he knows the owner did not have permission to do what was done. Mr. Benigni added they Upper St. Clair had received a notice from Bethel Park but had assumed that it would also be sent to nearby residents as required and discussed inter-municipality correspondence.

Kurt Sweterlitsch, 399 Southridge Drive, asked for clarification of the parcel numbers listed in the motion in regards to where they are located on the map and whether they were to be rezoned. Further discussion was held. He then asked if the process was to rezone the property now, then present proposals at a later date and asked what the timeline looks like. Mr. Sirota explained that if and when the Planning Commission makes a positive recommendation, it would then go to the board of commissioners for approval. If the rezoning were to be recommended tonight, the soonest it would reach the board of commissioners would be at their May meeting due to advertising and notification requirements. The applicant would have to repeat the same process when they present the proposal for the development, this is where conditions would be placed. Discussion was held regarding the conditional use process and what is permitted in the R4 Zoning District.

Jackie Shahar, 374 Southridge Drive, stated that she hopes the residents' concerns will be heard by the Planning Commission and that the interests of the community are taken into consideration when making a decision. She continued that she and her husband would not want to see a three-story apartment building, with potential balconies, in view of their backyard infringing on their privacy. Another concern would be to have Southridge Road be an access point to the development especially as the street does not have sidewalks or streetlights and is currently a safe road for children and the location of the bus stop. She added that many people come to Upper St. Clair for the high-end housing, good school district and less dense population, and that she and her husband moved to their home for the quiet neighborhood, the cul-de-sac, privacy and the low traffic. Ms. Shahar presented a map showing that most of Upper St. Clair is zoned R1 and R2 and only 3 small areas are zoned R4. She then stated that the building would be an eyesore and could decrease their property value along with creating another intersection and a new Sheetz. Ms. Shahar added that they were not notified about the possible rezoning, nor was the property marked, which is required by law to be sent to the residents via certified mail. She continued by explaining that they did receive a letter that appeared to be certified but was marked that it was handed to them, however, it was left in the mailbox making it a fraudulent certified letter. Another concern being that the developer, RIT/Robert I. Thomas, is the title owner of the areas to be rezoned, is the attorney for John Murphy and is an Upper St. Clair commissioner and hopes he would rescind his vote if and when the time comes. Ms. Shahar noted that there are many local senior living facilities in the area and feels as though there is not a need for another in the area and that she is not against building more single-family homes. She then made a plea for the Planning Commission to take their concerns into consideration, read an excerpt from the township website about the development of the area and concluded by announcing that she had an online petition with 71 signatures.

John E. Cheezum, 381 Southridge Drive, introduced himself by spelling his full name for the record, as it has been misspelled in the past. He then presented a letter and envelope he received in the mailbox that was addressed to "current resident" that appeared to be certified mail. He read the letter enclosed aloud and then read township code section 130.56.2.2 which stipulates that 5 days prior to the public meeting held by the Planning Commission, on the proposed amendment, written notice must be sent by certified mail to the owner of the lot for which the proposed zoning district map amendment is requested". He continued that the application lists four lots and states "and to the lot owners in the township whose lots are adjacent to the lot and to all other lot owners in the township whose lots are within 200 feet of the lot that is subject of the amendment" in which there are four. He continued

reading from the code which states that “notice must be posted in the vicinity of each front lot line of the lot or several notices on the front lot line of a large site for which a zoning district map amendment is proposed, in a place conspicuously visible from the street.” Mr. Cheezum stated that he and several of his neighbors have been looking for the notices and signs since January 24th and have not found any. He continued “a notice to be posted in a place reserved for such notices at the municipal building”, he stated that he visited the municipal building several times, searched the township website and watched the Township public access TV channel, but have not been able to locate a notice. Mr. Cheezum returned to the certified letter that he received and stated that there is a tracking number on the envelope and when entered on the USPS website, there is a detailed account of how it got to his home. The tracking information shows that the letter was left with an individual, and Mr. Cheezum stated that he did not see nor sign the green return receipt for the certified letter, it was left in his mailbox. He continued by saying the letters mailed to his neighbors were not listed by name on the envelopes, but by “current resident”, many of them are lot owners as described in the code mentioned earlier. Many residents did not receive a certified letter and are present at the meeting due to a “grassroot effort” undertaken by several of the neighbors. Mr. Cheezum handed a document to the Planning Commission and after review, Mr. Cahillane asked if he was requesting permission to make a motion on the matter, which Mr. Cheezum confirmed, and Mr. Wade explained that the public cannot make a motion and that it must come from a Planning Commission member. Mr. Cheezum asked that the motion be considered. He then asked Mr. Wotus to reshoot the slide that shows possible access points and pointed out the section that shows an extension of Southridge Drive located in the parcel labeled 668G00 as mentioned in the public notice. He stated there is a “dog leg” off of that called Cynthia Lane which is considered a paper street. He continued by discussing that there are four Upper St. Clair lots mentioned in the notification letter but that one of the lots listed in the letter is in Bethel Park. Mr. Cheezum then repeated his concerns regarding notification issues.

Mike Creehan, 364 Southridge Drive, stated that he spent a lot of time finding his current home when he was looking to purchase a home and found the right location at the right price when he found his home on Southridge Drive, he added that the woods in the rear of the property were a positive. He explained that a three-story building right in his backyard, whether there is a barrier or not, would not be ideal. Mr. Creehan stated that he met with Mr. Innes in Community Development regarding whether there would be a daycare center and Sheetz on the Bethel Park side of the land, adding that it would add a lot of lighting to the area. He asked that the cul-de-sac not be removed to add additional roads to adjoining properties as people will use it as a through-way and put children in danger. He then stated that the

residents would like to request that if a daycare and Sheetz were to be built, that they make sure that there are noise and light barriers, water pollution resolutions for Chartiers Creek and larger than normal land barriers above and beyond the standard that Bethel Park allows. Mr. Creehan stated that Bethel Park is wrong in not notifying the Upper St. Clair residents of the development and that representatives should be present at the Planning Commission meeting being held. Further concerns were mentioned.

Jennifer Pardini, 500 McMurray Road, stated that she recently purchased her home and it is currently under renovations to make it handicap accessible for her daughter. She explained that, like many of her new neighbors, Bethel Park did not make an effort to notify residents and although the project will span two different municipalities, it's all one project and being done by the same developer. Ms. Pardini inquired further into the LLC found on the application and the individuals involved. Mr. Wotus explained that a general partner owns part of the land and an LLC that owns a separate part, Murphy Brothers Realty and another entity. A member of the audience stated "RIT McMurray LLC", Mr. Wotus corrected them by saying that RIT McMurray is the equitable title holder and does not currently own the property, the audience member stated RIT was the title owner, Mr. Wotus replied that is not true and that they have equitable title to the property via a purchase contract. An audience member spoke of a conflict of interest and being backed into a corner.

Mr. Sirota asked that one person speak at a time to respect the current speaker's time.

Ms. Pardini stated that she reviewed the transcript of the Bethel Park Township zoning hearing and it appeared as though a corporation/LLC with Mr. Thomas as President was to be the development and Mr. Murphy was not to be a part of it but that it looks as though Mr. Murphy is the Managing Partner of a PA General Partnership. Mr. Wotus stated that RIT McMurray is an LLC that Mr. Thomas is the president of, and currently has an agreement to acquire the land. Ms. Pardini asked if zoning had changed for the property located in Bethel Park, Mr. Wotus stated that it had changed.

Further discussion was held regarding the ownership of the nearby parcels and the location of the municipal boundary.

Ms. Pardini inquired about buffers, and Mr. Wotus affirmed there would be buffers and discussion was held.

Ms. Pardini asked about the 10-year Comprehensive Plan and stated that the Future Land Use Map looks consistent to how the map stands as of now and she looked at Allegheny County's 10-year plan that ends in 2025 and it stated that that land is to be a conservation district and that municipalities should communicate with them.

Ms. Pardini pointed to the map and asked if only the one section was to be rezoned, Mr. Wotus agreed and Ms. Pardini stated that all of the land presented is listed as one lot on the county website. Mr. Wotus stated that there are three separate parcels on the Upper St. Clair side and showed them on the map. Ms. Pardini asked if there would be further subdivisions and Mr. Wotus replied that there would be during the land development process.

Ms. Pardini gave a final plea that the Planning Commission keeps the residents' wishes in mind when making a decision.

Letter from Lisanne & Fabien Moreau, 375 Southridge Drive, read by John E. Cheezum (381 Southridge Drive), the letter stated that they strongly oppose the application submitted by RIT McMurray LLC for rezoning and they had learned from a neighbor that their street would be used as a throughway and include higher density housing. They believe this will lead to increased traffic and would be detrimental to the public welfare of the community and the children in the area. They stated they had not received any notice regarding the application. They continued by writing that they have lived in their house for 14 years and it has been a healthy environment to raise a family and is safe thanks to the cul-de-sac as well as the residents driving carefully. The letter also states that they believe that the environmental impact will decrease their property values and impede the residents' ability to progress and thrive. They concluded by asking the Planning Commission to deny the application.

Lauren Kaszonyi, 2427 Willowbrook Road, stated that she is the daughter of a professional engineer and general contractor, therefore grew up around construction sites and that her father and brother are developing property off of Route 66 and Delmont. She continued by saying she is shocked that a nursing home is listed as a use in an R4 Zoning District as a nursing home is a for-profit business that provides hundreds of jobs where employees will be working 24 hours a day. She added that nursing homes may have ambulances with sirens coming and going at all hours of the night and the additional traffic to the area. Ms. Kaszonyi asked if it could be guaranteed that there will never be a connection to the development from Willowbrook Road, Mr. Wotus stated that there are currently no plans to connect, she answered that she knows it could be a possibility in the future. Ms. Kaszonyi stated they purchased and renovated a home on Willowbrook due to the location and the flat lot of land included on a dead-end street for the safety of their children. She gave a detailed description and history of Willowbrook Road and explained that many people walk their dogs and with their children on the very narrow road as there aren't any sidewalks, if the street were to connect to the new development it would increase traffic dramatically and put lives at risk.

Bryan Skruck, 2551 Willowbrook Road, inquired about the R4 zoning district buffer zones and asked if the rezoning is not approved whether Bethel Park would be able to develop to it's full commercial potential, Mr. Wotus replied that they would be able to develop the land right up to the municipal boundary.

An unnamed audience member asked if the Bethel Park portion of the land had been rezoned to an R4 zoning district, Mr. Wotus replied that it's zoned Regional Commercial, and the resident asked that the Planning Commission not approve the rezoning.

Mr. Polochak explained that the members of the Planning Commission are also Upper St. Clair residents and respect the members of the audience, their time, and comments. He further noted that developers have a right to come to Planning Commission to have their applications reviewed for approval and appreciates the public attending to voice their concerns.

An unnamed audience member asked how much impact their unanimous vote of "no" to the application make. Mr. Sirota stated that it makes a tremendous impact. Another audience member asked how John Murphy is allowed to do what he did to the property behind their homes, Mr. Polochak stated that the planning meeting was not being held for that issue. Many audience members spoke at the same time and Mr. Wade asked for order.

Mr. Cahillane stated that the Township staff has significant experience in making sure that meeting notices are sent to the property owners but cannot control what the U.S. Postal Service does once the notices leave the Township building and are placed in the mail. He continued by explaining that the Planning Commission could table the matter so that staff can make absolutely certain that all persons entitled to notice have received notice, and to re-check the names against county records. Mr. Cahillane added that the application was tabled at the previous Planning Commission meeting out of concern that there were not any members of the public present. He further stated that given the lack of anyone in attendance, additional notices were sent out nearby property owners. A discussion was held between Mr. Cahillane and an audience member.

Mr. McGurk made a motion to hold an executive session for legal advice, seconded by Ms. Pieknick.
5 Yes, 0 No, 2 Absent, 0 Abstain.

Mr. Cahillane explained the executive session process to the audience..

Executive Session was held from 9:31 PM to 9:42 PM

Mr. Sirota called the meeting back to order and thanked the audience for their patience.

Mr. Cahillane explained that the executive session was held to discuss required meeting notice procedures.

Mr. Sirota asked for any additional comments.

Dave Dixon, 370 Southridge Drive, discussed the coyotes in the area and asked if the Township could do something about it.

Mr. Cahillane reminded the members of the audience speak one at a time.

Lauren Kaszonyi, 2427 Willowbrook Road, inquired about the possible connection of Willowbrook Road to the new development in the future. She stated that Willowbrook Road is not a state-owned, PennDot road but that they would be involved in doing traffic studies for McMurray Road and feels as though they wouldn't have the same due diligence for Willowbrook Road to traffic flow into account and assess the safety of residents of that street.

Seymour Sweet, 350 Southridge Drive, stated that he did not receive any notices.

Zeke (Emil) Brenkus, 344 Southridge Drive, stated that he stands in support of the comments from his neighbors and share their concerns. He continued that he believes that the rezoning would change the character of the neighborhood. Mr. Brenkus confirmed with Mr. Wotus if he represents the developer, Richard Thomas, Mr. Wotus replied that he represents the entity of RIT McMurray LLC. He then stated that Mr. Thomas was an elected Township commissioner and felt as though that is information that should be made public. He continued that he had received a meeting notice but that neighbors to both sides of his home did not, and it was thanks to a couple neighbors that the notices got passed around, he then said he had checked the website and did not see the agenda or minutes from the previous planning meeting.

Tracy Hanna, 378 Southridge Drive, asked how the road with the traffic light to McMurray in Bethel Park was approved if they had not been in touch with Bethel Park, Mr. Wotus explained that it is a

proposed road, and nothing has been approved yet. She continued by asking if the road is not approved and the property is rezoned as R4, the developer will then have a piece of property that they will not be able to do anything with. Mr. Wotus stated that's the case as it stands. Discussion was held about the access road.

John E. Cheezum, 381 Southridge Drive, stated that he obtained a copy of the January Planning Commission meeting minutes by requesting them at the Township Building and was informed that they were not approved.. Mr. Wade replied that the first item on the agenda for the night was to vote on the approval of the minutes from the prior meeting, so it is correct that they were not approved, and was merely a draft. Mr. Cheezum stated that all the organizations that he belongs to holds meetings according to Robert's Rules of Order and meeting minutes need to be posted in a timely manner so they can be reviewed by the public and that the public was unable to before the February meeting. He added that the minutes of the February meeting being held should be posted as soon as possible. Mr. Cahillane replied that it was not the procedure that the Township follows and that the minutes will be posted once they are approved by the Planning Commission at the next scheduled meeting as there may be amendments. . Mr. Polochak further referenced the fact that the January meeting minutes indicate that the Planning Commission tabled the meeting as to make sure the public was informed of the rezoning application.

Jennifer Pardini, 500 McMurray Road, stated that it was unclear who would be in charge if the project is approved and asked if it would be Mr. Murphy or Mr. Thomas. Mr. Wotus stated that it was RIT McMurray LLC and Mr. Thomas is involved in that LLC but that RIT McMurray will move forward with the acquisition and beyond. She then asked why Mr. Murphy is signing the addendum as the managing partner in PA General Partnership. Mr. Wotus explained that Mr. Murphy is signing on behalf of the existing owner authorizing the application to be submitted for approval. Ms. Pardini asked if Mr. Murphy was a part of the LLC. Mr. Wotus replied that he was not. Further discussion was held regarding the roles of each named person in the application and the procedure of a property acquisition.

Mr. Polochak asked Mr. Cahillane if it's even legal for the Planning Commission to take into consideration who the owner is when they review an application. Mr. Cahillane explained that the current property owner must be the applicant or authorize RIT McMurray to submit the application which is why Mr. Murphy is listed.

Mr. Wade stated that he appreciated the public coming to the meeting to express their concerns and proposed tabling the motion for another month and hopes to not hear the same arguments at the next meeting. He continued that he would like to see the Township staff, representatives for the applicant and the residents to get together to talk through some of the complicated issues as some of them bear no relevance to what the Planning Commission is trying to accomplish for this matter.

Mr. Wade proposed to table the application for another month. An audience member asked that Ms. Pardini be able to finish her comments, Mr. Wade stated that her questions were in regard to ownership and control. Ms. Pardini stated that she had spoken with Mr. Benigni and employees at Bethel Park but that some things can only be answered by Mr. Wotus. She added that the rezoning in Bethel Park was not disclosed to her when she bought her property and that she attended a Zoning Hearing Board meeting in Bethel Park, but was told that was not what that night's meeting was for and the property she was asking about was a "done deal." She continued by saying that she had submitted a Right to Know request per the Sunshine Act and has not heard anything back a week later and was told she would not be able to receive the information for 6 weeks. Ms. Pardini explained that she did her due diligence compiling information including contacting Allegheny County and the Conservation Department but need members of the Planning Commission, Township staff and applicant representatives to explain things to the public.

Mr. Wade explained that the Planning Commission doesn't have all the answers just yet.

An unnamed audience member stated that if the meeting is to be tabled, they hope and suggest that the attorneys have concrete answers for the residents so a more informed decision can be made. Mr. Wotus stated that he has answered questions that were way beyond the scope of what the meeting was held for. Further discussion held.

Mr. Cahillane explained that Mr. Wotus has been fair answering the questions that he has been asked and that the Planning Commission only has so much information at this point, there are currently no concrete development plans and reiterated the facts of the application.

Mr. Polochak then repeated that the meeting was to just rezone the property, and if it does get approved, there will be hurdles to jump through for the conditional use approval and likely will be strict conditions set upon the applicant by the township.

John E. Cheezum, 381 Southridge Drive, addressed Mr. Wotus to warn him that Mr. Murphy had handed him a tough situation.

MOTION: THAT the Planning Commission tables the matter of PLC23-1301 - Zoning Map Amendment – The Strand at McMurray until the March 16, 2023 meeting.

Motion by Mr. Wade, seconded by Mr. McGurk, carried by unanimous voice vote, 5 Yes, 0 No, 2 Absent, 0 Abstain.

Discussion was repeated regarding the meeting notices.

NEW BUSINESS

None.

OTHER BUSINESS

None.

ADJOURNMENT

There being no further business, it was moved, seconded and carried unanimously that the meeting be adjourned at approximately 10:12 PM.

Respectfully submitted,

Callie Munch

Community Development Department Secretary