

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 7:31 PM, Thursday, March 16, 2023, in the Township Municipal Building Board of Commissioners' Meeting Room, located at 1820 McLaughlin Run Road, Upper St. Clair, PA 15241.

PRESENT: Robin Weissert
David Sirota
Yvonne Piecknick
Jake Polochak
David Wade
Jeffrey Krantz
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: None

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

Mr. Cahillane asked that members of the audience spread out to other sections of the room to make sure that everyone attending is able to be present and that no one is left in the hallway unable to enter.

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

Mr. Krantz stated that he has suggested some minor spelling and grammatical revisions to be made to the minutes before they are to be published into the record.

Mr. Cahillane added that the minutes had stated that the applicant had requested to table the motion, however, it was the decision of the Planning Commission to table the matter at the February meeting. On motion by Mr. Krantz, seconded by Mr. Wade, carried by a voice vote, 7 Yes, 0 No, 0 Absent, 0 Abstain, the minutes were approved pending all corrections are fixed.

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.

Ms. Weissert asked that audience members limit their trips to the podium to one visit and that anyone who didn't speak at the February meeting voice their comments first. She stated at the Planning Commission Bylaws set a three-minute time limit for individual comments and that although it is not strictly enforced, she asked that those present be respectful of their time at the podium as there are many in attendance who want to speak. Ms. Weissert further asked that residents stay on the topic at hand, i.e. The rezoning request.

Ryan Wotus, attorney for the applicant, RIT McMurray, reiterated that the application is to rezone the parcels, there are currently no proposals for the site. He added that although they are not currently at the development stage, he has brought some renderings for a possible development in the future if the rezoning is approved.

Mr. Wotus presented an aerial view of the site, showing boundary lines, the parcels included in the application and notable streets nearby and explained the site in detail. He added that the site to be rezoned only abuts 4 parcels with single-family dwellings and reminded those in attendance that the northerly parcels behind Southridge would not be rezoned.

Mr. Wotus showed possible access points to the site and stated that ingress and egress points would be from McMurray Road, no access to Willowbrook Road would be proposed and that it wouldn't be feasible. He then showed a slide that showed the distance between the development pad and the closest house on Southridge and stated that it was around 700 feet away.

Mr. Wotus presented the redevelopment vision for the site, currently being named "The Strand at McMurray" which would include a senior living facility with various dwelling types, sidewalks and walking trails, he then explained the layout of the possible senior living facility in more detail adding that the preferred developer would be Continental who has facilities in both Moon and McCandless, he then showed pictures of the Moon Township facility.

He stated that since this application was only for the rezoning, any applications for development would have to go through multiple steps to receive conditional use approval and referenced that the vision found in the Township's 2015-2025 Comprehensive Plan matched the vision of the proposed site.

Mr. Wotus added that this proposed development would not rely on any municipal services and would add a large amount of tax revenue for both the Township and the School District.

Mr. Krantz inquired about the elevation of the property and what the view from the neighboring properties would look like, Mr. Wotus stated that without the engineering done, he would be unable to say exactly.

Ms. Weissert asked for more information regarding grading, to which Mr. Wotus explained that the engineering hadn't been done and the renderings were created to give a general idea of a possible development in the future.

Mr. Krantz then asked if the tax revenue would be offset by police, fire, and road maintenance costs that a facility of this nature would generate. Mr. Wotus replied that any type of building at that location would need those services at one point or another as well and that this building would have up to code and top of the line fire safety equipment and since the roads would be private, township road maintenance would not be needed. Mr. Krantz asked about employee traffic and lighting issues that may affect neighboring residents. Mr. Wotus stated that parking could possibly be placed closer to McMurray Road so as not be adjacent to residential properties and that lighting would be taken care of through the subdivision and land development ordinance when it's time.

Mr. McGurk stated that in the application, it's said that this development is to act as a buffer zone between the commercial property in Bethel Park and the residential property in Upper St. Clair and asked for Mr. Wotus to elaborate. Mr. Wotus replied that the Bethel Park property has already been rezoned to a C2 Zoning District, which is a more intensive use, like South Hills Village Mall. He continued by explaining that having an R4 Zoning District in-between the C2 district in Bethel Park and the current R2 district in Upper St. Clair would act as a buffer transitional space. He noted that there are homes located in Bethel Park near the C2 district that are zoned R3, which is also a more intensive residential district, he then also pointed to C3 and C4 districts in the area. Mr. Wotus explained that there are many ways that lighting can be mitigated to keep from the illumination from disturbing properties.

Mr. Krantz inquired whether research was conducted to determine whether there was a need for a senior living facility in the area, Mr. Wotus replied that the developer, Continental, had made that determination as well as other research showing that many facilities in the area have years-long waiting lists.

Public Comments:

Bill Hensler, 510 McMurray Road, stated that he lived on the Township line and the site is about 300 feet from his home and this added traffic would greatly affect his and his neighbor's homes.

Deborah Schmitt, 468 Parkridge Drive, located behind Brentwood Bank in Bethel Park, explained that her neighborhood is the only property that is directly adjacent to commercial property, adding that her neighbor has a forty-foot wall in her backyard to allow the Rite Aid to have 64 parking spaces. She continued by stating that the assumption that there would not be any traffic or lighting issues is not true and that many people cut through the parking lots of the nearby commercial properties to avoid traffic lights and explained that adding turning lanes on Clifton Road and South Park Road would take away from the neighboring homes. Ms. Schmitt added that there are currently sirens going off at all hours of the day due to emergency services and that adding a senior living facility would only add more emergency traffic and noise. She stated that she attended the Bethel Park rezoning meeting and spoke against the project adding that it's been known that a 24/7 Sheetz is to be built on the site and explained the possible implications.

Mr. Wade inquired about Rite Aid's forty-foot wall located in the rear of her neighbor's property; further discussion was held.

Sam (last name unintelligible), who resides in the Brookside Farms area, stated that she runs a long-term care community in Mars. She explained that she can speak to the need for long term senior care, but not assisted living or independent living facilities as proposed. She continues by explaining that there is a need for skilled nursing facilities and that many of her residents come from assisted or independent living facilities as they do not receive the medical care that is needed, and the costs are too high. She added that many facilities are closing all over due to staffing shortages as places such as Sheetz, Target and Giant Eagle are paying high wages.

Mr. Wade reminded those in attendance that the matter to be decided on tonight was whether to recommend approval of the rezoning and that there are currently not any concrete plans that the site will be an assisted living facility.

Doug Lowenhaupt, 466 Diablo Drive, inquired about mine subsidence in the area and if it would be researched before anything was built on the site.

Jeff Ries, attorney for Carmen Peluso, 2406 Willowbrook Road, spoke about the different residential zoning districts in the Township and added that the reasoning for building an assisted living facility on the site is for financial gain for the developers and not in the interest of public health and general welfare as discussed prior. He continued by stating that the applicant had only picked a few items from the Comprehensive Plan to mention but that in the beginning of the plan it can be found that the goals and objectives are as follows:

Continue offering residents a great place to live, learn and play.

a. Preserve the integrity of the established land use pattern. b. Offer premier residential neighborhoods, recreation and a high quality of life. c. Provide for a vibrant business community and mixed uses focused to the areas where they currently exist.

Mr. Ries reiterated that it states that business communities and mixed uses should stay in the areas where they currently exist as stated in the Comprehensive Plan.

Randi Fowler, 3496 Myrna Drive, stated that the development would directly affect her ingress and egress from her property. She continued by speaking about responsible government and that the rezoning is “putting the cart before the horse”, additional assisted living facilities are not needed in this area, a transportation study needs to be conducted and further discussion needs to be held regarding water issues. Ms. Fowler concluded by stating that the applicant is not prepared yet to request rezoning when other important issues haven’t been resolved.

Donny Hamilton, 2562 Willowbrook Road, explained that the possible facility to be built on the site would be in direct view of his backyard whereas now he has beautiful nature and wildlife which was a large reason why he and his family moved into the neighborhood. He stated that it seems like there hasn’t been any collaboration and conversation between municipalities and other government entities involved. He asked if the next Comprehensive Plan is being worked on, as the current plan is due to expire in 2025, and what the goals will be for the next one.

S. T. Yeung, 389 Oaklawn Drive, discussed the issue of traffic in the area. He then mentioned the possible walking trails surrounding an assisted living facility, adding that the terrain would not be ideal for a senior citizen to use. Mr. Yeung described a negative experience that he had with the Township Planning Commission and Township Engineers in the past.

Elena Paddison, no address given, stated that she grew up in Upper St. Clair and lived near the property and was happy to see it possibly being developed as it's been an eyesore. She added that there are waiting lists for assisted and independent living facilities, stating that Friendship Village has a 3-5 year wait and a developer wouldn't spend such a large amount of money if they didn't think it wouldn't get occupied. Ms. Paddison continued with multiple reasons that she believes that the possible project would be a good opportunity for the community.

Heidi Cohen, 2606 Lindenwood Drive, spoke about meetings for a bank that she attended in the past and about traffic issues and accidents at the intersection. She added that there was a lack of transparency of the plans for the site and she has heard on social media that there will be a Sheetz on the Bethel Park side of the property. She continued that is not a good area for that type of business and that something like a park would be ideal and welcomed.

William Weaver, 2577 Willowbrook Road, explained that his family has occupied the property for approximately 100 years and that recently the trees behind his home have been cut down by the owner and he has had drainage issues on his property since and that it has only gotten worse. He presented pictures to the Planning Commission. He then spoke about the current traffic issues and staffing issues in care facilities.

Brittany Claybaugh, 385 Southridge Drive, stated that she had recently purchased her home and that she may not have had she known about the issues with the surrounding property. She explained that she had previously worked at the care facility in Moon that had been mentioned earlier and although there were waiting lists, it didn't take long for people to move in. She added that the police were there consistently due to residents of the memory care unit and spoke to her experiences of her employment at a care facility.

Joy Karidis, 2432 Willowbrook, stated that she has lived in her home on Willowbrook Road for almost 30 years and when they moved into the neighborhood, there weren't many children but now there are many young children and adding a connection to McMurray Road would put their lives in danger when people try to cut through Willowbrook Road to skip traffic. She then mentioned that she had heard that a Township Commissioner has an investment in the project.

Justin Kaszonyi, 2427 Willowbrook Road, explained that he and his fellow residents had created a presentation for the Planning Commission in attempt to keep everyone on point and introduced his group as “South Hills Neighbors United”.

Jennifer Pardini, 500 McMurray Road, spoke about the discussion of whether or not concerns are an Upper St. Clair or Bethel Park issue as well as stating that the developer would need both municipalities to approve the rezoning to move forward with the project. She continued by stating that she believes that Upper St. Clair has acted honorably in their public notice procedure and thanked the Planning Commission for addressing the fact that there weren’t any residents at the first meeting and doing their due diligence to make sure they were notified and explained that Bethel Park had not notified residents. Ms. Pardini stated that she had submitted Right to Know requests to Upper St. Clair, Bethel Park and Allegheny County, adding that Upper St. Clair is the only one who provided the records requested. She continued by explaining that she had neighbors turn in requests regarding the publication of meeting notices and Bethel Park provided records of one legal notice published in the Post-Gazette. Ms. Pardini spoke in more detail about the advertising and posting issues as well as many facts about the property that are not being openly disclosed. She then stated that Allegheny County’s Comprehensive Plan states that this area in question should be used as a conservation district.

Discussion was held in length in regards to the Bethel Park portion of the property and Upper St. Clair’s lack of a say in what occurs in the neighboring municipality.

Ms. Pardini concluded by announcing that she and her neighbors are prepared to file a suit depending on the decision and stated that the Upper St. Clair Planning Commission has been the only ray of light for the property owners and asked that they continue to protect them.

Mike Creehan, 364 Southridge Drive, spoke in detail about the current traffic congestion issues in the area and explained how the proposed development would only cause further issues in the future. He discussed school traffic, emergency vehicle traffic and church traffic.

Justin Kaszonyi, 2427 Willowbrook Road, presented a picture of the current traffic backups that occur on Johnston Road and asked the applicant if there were plans to connect Willowbrook Road to the proposed development site, Mr. Wotus replied that there were not plans to do so. He then voiced his concerns about the narrow width of Willowbrook Road, the lack of sidewalks, steep terrain as well as possible water run-off including chemicals from the proposed Sheetz.

Jaclyn Shahar, Southridge Drive, asked to not provide her house number due to privacy and safety concerns. Ms. Shahar discussed aesthetics and neighborhood culture adding that the residents of Southridge Road and Willowbrook Road would like to leave the streets as cul-de-sacs. She added that Upper St. Clair is noted as being a “sparse suburban community” and spoke of the value of greenspace including parks, gardens and trees. She continued by explaining that trees help to improve air and water quality, biodiversity and wildlife, opportunities for outdoor recreation and discussing in detail the positives of having greenspace.

Mr. Polochak stated that if it were decided to build single-family homes on the land, as it is zoned currently, the trees would be cut down as well.

Ms. Shahar continued by explaining the ways this development would negatively affect the values of the neighboring properties and the dangers of chemical water runoff from the proposed Sheetz in Bethel Park.

John Cheezum, 381 Southridge Drive, discussed environmental issues such as stormwater runoff and how a large care facility would add many square feet of impervious surface that would affect stormwater management, cause soil erosion and directly affect the neighboring properties. Mr. Cheezum discussed a detailed explanation of the current flow of stormwater. He then explained that years ago, the developer had taken down many of the trees behind their property and left the trees in a large pile on the property. Mr. Cheezum spoke about the flooding in the area that occurred in 2021 that took a woman’s life and recited the Township Code in regards to flooding.

Justin Kaszonyi, 2427 Willowbrook Road, stated that the residents have received 700 signatures on their petition opposing the application in three weeks. He then explained that the site could be used as a park with walking trails, playgrounds and a community garden and that there are 38 care facilities in the South Hills area.

Jaclyn Shahar, Southridge Road, explained that there are 2 care facilities just on McMurray Road. Mr. Cahillane reminded residents of the three-minute limit for comments, the request that audience members only make one trip to the podium and that those who didn’t speak at the last meeting get their allotted time first.

Justin Kaszonyi, 2427 Willowbrook Road, mentioned ethical concerns then thanked the Planning Commission for volunteering their time.

Ms. Piecknick thanked Mr. Kaszonyi for his efforts to keep an organized meeting.

Mr. Sirota explained that the last two meetings had more residents present than the last four years of meetings combined and that he is happy to see them getting involved but that the Planning Commission can only make their recommendation on the rezoning and that there are many facets of this development as a whole that they do not have a say in.

Mr. Wade stated that he would like to put on the record for the commissioners the reasoning for the motion that he would like to make.

Sy Sweet, 350 Southridge Drive, stated that he did receive notification of the meeting and added that the rezoning matter seems to be spot zoning, which is not legal. He concluded by explaining that the public is not in favor of the rezoning and asked that the Planning Commission take that into consideration when they make their recommendation.

Dave Dixon, 370 Southridge Drive, explained that 386, 382, 378, 374 and 370 Southridge Road had a thirty-foot buffer behind their home but lost that when the property did a clear-cut of all of the trees. He then spoke about ongoing property disputes with the current owner of the land which involves the removal of their stakes, the need to redo surveys and that trees were removed from their property without their permission.

An unnamed audience member asked the Planning Commission if they are the zoning committee that has to approve this matter, what are they approving without knowing the parcel lines. Mr. Cahillane replied that this was the Planning Commission, not a Zoning Hearing Board, and explained that the Planning Commission does not approve any applications but that they recommend approval or denial to the Township Board of Commissioners. He continued by stating that whether the Planning Commission recommends application, the Board of Commissioners can review the information and make their own final decision. Mr. Cahillane noted that the applicant's representative has gone above and beyond what is expected of him for a rezoning application.

An unnamed audience member asked for a statistic showing what percentage of the Planning Commission's recommendation is accepted by the Board of Commissioners. Mr. Cahillane responded saying that he doesn't have the statistics but that in the past the Board of Commissioners has generally accepted the recommendation of the Planning Commission.

Erin Dixon, 370 Southridge Road, explained that she lives five houses in on Southridge Road and that her home is the first house located in Upper St. Clair and that the four houses to her right have front yards in Upper St. Clair and rear yards in Bethel Park. She stated that John Murphy removed the trees from the rear of their property, they have taken him to court and she went into detail about the poor property maintenance of the land behind her home.

Mr. Wade stated that he would like to give the basis of his motion and went on to describe the property, detailing that it sits at a high point, funnels down to the end of Willowbrook Road and has a steep elevation change. He explained that he had visited the end of Willowbrook Road to get a visual on the property owners' view and how a development might affect it. Mr. Wade continued by stating that with the area's current zoning, single-family homes could be built without any rezoning but that rezoning to an R4 zoning district would allow a three-story, forty-five-foot-tall building to be constructed. He agreed that there has been a stormwater issue in the area and that there would be a retaining wall issue with the proposed project. He stated that a care facility would be a commercial enterprise that would require many parking spaces and lights that would most likely be on twenty-four hours a day. Mr. Wade mentioned the other streets in the area that would be negatively affected by the view and light pollution of the proposed development and he believes that it would change the characteristic of the neighborhood and that it is not the right thing to do. He asked if anyone had any further comments before he made his motion.

S.T. Yeung, 389 Oaklawn Drive, spoke about the engineering report regarding stormwater of the Maronda Homes plan as stated earlier in the meeting.

An unnamed audience member thanked the Planning Commission for listening to their concerns and will respect the decision that is made.

Ryan Wotus, attorney for the applicant, stated that there are currently not any stormwater management at the property and has possibly gotten worse due to the property owner cutting down the trees. He added that the developer would only make the conditions better by implementing a required stormwater management plan that the township engineers would have to review and approve.

Mr. Pieknick inquired about the removal of the trees.

Carmen Peluso, 2406 Willowbrook Road, stated that there has been a lot of unsurety in regards to the plan and suggests getting a plan in place before rezoning the property.

Mr. Wade explained the steps of the rezoning process.

MOTION: THAT the Planning Commission recommends denial of the application of the rezoning of the parcels identified in the application.

Mr. Krantz stated that he believes the onus should have been on the project team to be able to stand up against the audience's comments and does not believe they have and commended the audience.

Mr. Wade then asked for a roll call vote.

Motion by Mr. Wade, seconded by Mr. Krantz, carried by roll call vote, 6 Yes, 1 No, 0 Absent, 0 Abstain.

Mr. Wade reexplained the next steps of the rezoning process, adding that this could go to the Board of Commissioners for their review and approval.

Mr. Cahillane added that it will now go to the Board of Commissioners to vote on whether a public hearing will be held. This vote would occur at the April 3, 2023 meeting. If this vote does not occur, the matter will not move forward. Furthermore, if they vote to move forward, they will hold a public hearing where both the public and the applicant will be able to speak and a final decision will be made.

Discussion was held about meeting notices, stating that the township has records that they were mailed but cannot control what occurs after the post office receives them.

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 10:08 PM.

Respectfully submitted,

Callie Munch

Community Development Department Secretary