

**BOROUGH OF FRANKLIN PARK
PLANNING COMMISSION REGULAR MEETING
MAY 26, 2009**

The May meeting of the Planning Commission was held in the Municipal Building located at 2344 West Ingomar Road, Pittsburgh, PA 15237.

Mr. Quatchak opened the meeting at 8:07 p.m.

Roll call:

PLANNING COMMISSION MEMBERS:

Laura Coombs present
Janet Demmaabsent
Stephen Donaldson present
Sam Liberto present
Robert Schupansky present
Robert Salvatora..... present
David J. Quatchak, Chairman present

ENGINEER:

Bob Nedzesky, W.E.C. Engineers present

SOLICITOR:

Alan Lubelski, Law Offices of Ira Weiss present

STAFF:

Tim Phillips, Building/Zoning Official present
Cathy Krummert, Borough Secretary present
Janine Kulbacki, Building/Zoning Secretaryabsent

APPROVAL OF MINUTES

Mrs. Coombs moved to approve the minutes of the April 21, 2009 meeting. Mr. Salvatora seconded the motion. The motion passed unanimously.

OLD BUSINESS

Resume discussion on proposed ordinance

Mr. Quatchak stated that no discussion would take place this evening. Discussions will resume next month.

Slade Site Plan Review

No representative was in attendance at this time. Mr. Quatchak noted that the normal rules in the past have been to table when an applicant is not present. Mr. Quatchak indicated that this would be left open until the conclusion of the old business section. If a representative still does not show up, a motion to table would be in order.

LPF 09-04-01 – Orchard Hill Church Addition

CU 09-04-02 – Orchard Hill Church Addition

Mr. Quatchak stated that the two applications would be discussed together.

Kevin Cotter, Director of Business Operations at Orchard Hill Church, and Jeff Berneburg, Project Manager, from MDM, LLC came forward to address the board. Mr. Quatchak asked if anything had changed since the last meeting. Mr. Berneburg indicated that they went before the Zoning Hearing Board two weeks ago for approval of the revisions made to the footprint size that was increased by 8,100 sq. ft. The Zoning Hearing Board granted approval. Mr. Berneburg noted that no additional seating was proposed, the parking lot did not increase in size and the parking spaces were not increased. The largest part of the increase to the footprint was for utility rooms and restrooms adjacent to the gymnasium area. Mr. Berneburg noted that they had received Mr. Phillip's Staff Report on Friday via facsimile, and they received the letter from the borough engineer via mail this morning.

Mr. Berneburg indicated that they needed the Planning Commission's decision or direction concerning the turning lane on Brandt School Road. As of last month, there were concerns expressed regarding road widening and the turning lanes. Mr. Quatchak noted that there was discussion prior to coming out this evening. He stated that the traffic study indicates that under current use the turning lane must be constructed. The neighbors are not necessarily comfortable with that and it presents a financial hardship for the church moving forward. The feeling of the Planning Commission is that the requirement is there now and they do not feel comfortable granting a modification for the turning lane. It would be better for Council to consider this modification, since it would set a precedent for the Planning Commission to make this modification. Mr. Quatchak stated that the Planning Commission struggled with this matter, because there is some merit to the points that the church made. As it is now, it would have to be worded as a modification because it is required under existing ordinances.

Mr. Berneburg stated that should this go forward and the turning lane be required, it would have a definite impact as to whether or not the church would move with the project. Mr. Cotter asked when they would go to council if the church would come back in June with answers to the comments. Mr. Quatchak noted that the Planning Commission could recommend approval and deny modification for the turning lane in June and then it would then go to Council in July. Mr. Salvatora commented that when there is a scientific study it is harder to go against that study. Council is a better body to address the modification issue. The Planning Commission is here to use the Code and not change the Code.

Mr. Quatchak stated that one other modification is being requested by the church for some storm sewer pipes to be covered with less than 3 ft. of soil. Mr. Berneburg responded that these are more technical details that his company's engineer would work out with the borough engineer. Mr. Quatchak provided Mr. Berneburg with feedback that the Planning Commission is not finding a lot of support for this modification. They do not understand why some adjustments could not be made to get those pipes under 3 ft. of soil.

Mr. Berneburg then addressed the comments on Mr. Phillip's Staff Report. Comment #11 – provide details of any proposed lighting. Mr. Berneburg noted that on the plan they show the relocation of two lot lamps in the existing parking areas. They are not adding any more lot lighting; they are relocating two lot lights. He noted that the closest neighbors are well over 600 ft. away. Mr. Berneburg noted that they are only proposing to add sidewalk lighting. Mr. Phillips noted that he just wanted to see that the site lighting or building mounted lighting is addressed so no glare will be produced. He indicated that there have been some complaints about lighting in the past.

Mr. Berneburg noted that there is no new signage being proposed for the site. Mr. Quatchak clarified that if they were proposing new signage it must be shown on the plan.

Mr. Berneburg asked for clarification of Comment #14. Mr. Phillips noted that the ultimate right-of-way would be 40 ft. from the center line of the road in toward the property, but that may not be the actual right-of-way. Mr. Phillips noted that they should show both the actual and ultimate right-of-ways. He also noted that they should be prepared to dedicate the ultimate right-of-way if the actual right-of-way is less than 40 ft. from the centerline.

Mr. Berneburg asked for clarification regarding the buffer yards along property lines abutting other properties. Mr. Phillips noted that 30 ft. buffer yards are required, and they must be shown on the drawings. Mr. Quatchak stated that the drawing must show the 30 ft. If there is existing vegetation that they feel does meet the requirements, they must place a note on the plan stating that the existing vegetation is there and it meets the requirements. Mr. Quatchak also noted that they can ask for a modification if there is an area with no vegetation, and they do not intend to plant vegetation.

Mr. Donaldson asked for clarification on the lighting. He asked if the parking would be extended and require new lighting. Mr. Berneburg responded that there is an existing area that is being improved to provide a total of 50 parking spaces to accommodate the overall parking that was requested to meeting the zoning variance. It was clarified that it is located in the southwest corner of the lot, which is along I-79 and Kaelin's Farm. There are no additional lighting fixtures being proposed for that area. It is an overflow lot that is being improved to show that those spaces are available.

Mr. Berneburg asked for clarification on Comment #22 – provide highway occupancy approval from Allegheny County. He asked if that was in the event of the requirement of this highway improvement? He noted that they have already provided the Allegheny County Highway Occupancy Permit. Mr. Phillips responded that we would need some assurance from Allegheny County that they are okay with the entrance the way it is and that they will not require any improvements. We would need a letter from Allegheny County that they have reviewed the traffic analysis report so we know that they are aware of the project.

Mr. Berneburg noted that wheel stops have been requested for the southwest parking area. They had requested some kind of a waiver/modification due to winter maintenance issues during snow removal. Their concern was that the wheel stops would be hit, knocked off or pushed over. Mr. Nedzesky indicated that this requirement could possibly be waived. He also suggested that they consider installing some other type of physical barrier, such as a post rail fence, to stop people from moving onto a fill area.

Mr. Nedzesky stated that they could call him for clarification on any issue.

Mr. Berneburg asked if it would be advantageous for them to attend a Council work session to try to get a preliminary feel for their direction. Mr. Rocca, Borough Manager, was present and indicated that this could be discussed privately. Mr. Salvatora noted that we are asking the applicant to have Allegheny County review the traffic study, and he asked if it is feasible for the applicant to receive any feedback within the next three weeks? It was noted that it is not likely. Mr. Berneburg noted that if the majority agreed that the traffic highway improvements should be made, it would put a great bearing on how this project moves forward.

Mr. Salvatora stated that if the Planning Commission denies granting the modification for the turning lane, the applicant could still proceed to Council for a decision. Mr. Nedzesky noted that he forwarded a copy of his comments regarding the traffic report to Mr. Shallhoover at Allegheny County on March 27th. He did not send a copy of the traffic report. Mr. Salvatora suggested that the applicant contact Allegheny County and then come back to Planning Commission.

Peggy Kipp, EAC Chairperson, asked if the applicant received the minutes from the last meeting held with the applicant and the EAC. She noted that the minutes explain what the EAC needs and she provided them with a copy of the minutes. Mrs. Kipp stated that all landscaping needs to be shown on the MS101 map. It was clarified that all landscaping, including the details and buffer yards, should be shown on a single sheet. Currently the landscaping details are spread across four different sheets.

Mr. Quatchak noted that the applicant would need to grant an extension through July 20th. Mr. Cotter granted an extension through July 20, 2009.

Mr. Liberto moved to table application LPF 09-04-01 – Orchard Hill Church Addition and CU 09-04-02 – Orchard Hill Church Addition until next month's meeting. Mr. Donaldson seconded the motion. The motion carried unanimously.

Mr. Bob Johnstone, President of the Hunter's Point Homeowner's Association came forward prior to adjournment of the meeting to comment on this application. Mr. Johnstone expressed concerns that there is a possibility of the church installing another detention pond and pipe, which will lead down to the Hunter's Point property. Mr. Johnstone noted that Hunter's Point is having difficulty handling storm water run off in heavy rain conditions. They have put in two 8-inch pipes to try to address the problem, but the overflow washes down through the yards. They are already budgeting to have their pipe reinspected, cleaned out and possibly repaired. Mr. Johnstone expressed a concern for the environmental impact of more run off coming down through that area. Mr. Nedzesky noted that the church is not permitted to increase run off to adversely impact an adjacent property owner. Mr. Quatchak asked Mr. Nedzesky to look at this area before next month's meeting. Mr. Nedzesky stated that he would look at both the pre and post conditions and walk the area. He noted that the church cannot increase what they are currently releasing and they cannot make the problem worse. Mr. Donaldson noted that 8-inch pipes are very small for any type of storm conveyance. Mr. Quatchak invited Mr. Johnstone to attend the June 16th meeting. Mr. Johnstone indicated that he could not attend, but he would send a representative.

NEW BUSINESS

CU 09-05-03 – Cerra Conditional Use Garage

Robert Cerra of 2372 Wharrey Drive came forward to address the commission. Mr. Phillips noted that Mr. Cerra was granted a variance from the Zoning Hearing Board for encroachment in the required front and side yard. Mr. Phillips noted that Mr. Cerra needs approval for a conditional use garage 600 sq. ft. Mr. Cerra stated that the garage would be used for storage of a vehicle, tractor, tools, trailer and quad. It was noted that the letter does state that the neighbors are in favor of the garage. Mr. Quatchak clarified that the new garage will have a gravel driveway, and there is an existing driveway on the other side of the home, which accesses an existing integral garage. There were no comments from the audience.

Mr. Donaldson moved to recommend approval of CU 09-05-03 Cerra Conditional use Garage. Mr. Liberto seconded the motion. The motion carried unanimously.

CU 09-05-04 – Slade Conditional Use Garage

Mr. Schupansky noted that he would recuse himself from voting since he knows Mr. Sughrue personally and he is a neighbor.

Alicia Slade and Doug Sughrue of 2167 Reis Run Road came forward to address the commission. Ms. Slade noted that the garage is designed to look like a barn since the house looks like a new farmhouse. It will be used to store tractor equipment, brush hog, finishing mower and a small tractor that they use to maintain ten acres. Access to the garage will be off of the original paved driveway. The house faces north and the east side of the house faces Reis Run Road. The house is located in the middle of the ten acres, and the garage will sit approximately 70 ft. from the house. The peak of the garage is 25 feet, which is less than the house. Mr. Phillips noted that the height is an issue because the maximum accessory use height is 15 feet. After some discussion and review of the ordinance by Mr. Quatchak, Mr. Lubelski and Mr. Philips, it was determined that this section of the ordinance only applies to structures under 600 sq. ft. Since this proposed garage is over 600 sq. ft. requiring conditional use approval; the 15 ft. height requirement does not apply. There were no comments from the audience. Peggy Kipp of the EAC asked what color the metal roof would be? Ms. Slade noted that it would be silver to match the silver metal roof on the porch of the house.

Mr. Salvatora moved to approve CU 09-05-04 Alicia Slade Conditional Use Garage, subject to the Staff Report dated May 21, 2009. Mr. Liberto seconded the motion. The motion carried.

GOOD & WELFARE

No business.

Slade Site Plan Review

Mr. Quatchak noted that since Mr. Pilston was not here for this plan and a motion to table would be in order. Mr. Quatchak asked Mr. Phillips to convey to Mr. Pilston that it would have been to his advantage to be here tonight and then go to Council next month. Now, the Planning Commission will have to consider the application on June 16th, the night before it goes to Council. Mr. Pilston should be reminded that this is a courtesy that the Planning Commission has offered in the past and it is not a routine procedure.

Mr. Schupansky moved to table the Slade Site Plan. Mr. Liberto seconded the motion. The motion carried unanimously.

Motion to Adjourn

Mr. Salvatora moved to adjourn at 9:07 p.m. Mr. Liberto seconded the motion. All approved.

Respectfully submitted,

Cathy L. Krummert
Borough Secretary

Audience present: 12