

**BOROUGH OF FRANKLIN PARK
PLANNING COMMISSION REGULAR MEETING MINUTES
February 18, 2020**

The February 18, 2020 meeting of the Planning Commission was held in the Municipal Building located at 2344 West Ingomar Road, Pittsburgh, PA 15237.

Mr. Lamperski called the meeting to order at 8:00 p.m.

Roll call:

PLANNING COMMISSION MEMBERS:

Wayne Chang present
Laura Coombs absent
Colin Lampark present
Blaine Lamperski, Chairperson present
Robert O'Connor absent
Robert Schupansky absent
Stephen Winikoff, Vice Chairperson present

ENGINEER:

Mike Malak, Senate Engineering Company present

SOLICITOR:

Alyssa Golfieri, Babst Calland present

STAFF

Tim Phillips, Building/Zoning Official present
Tara Roth, Planning Commission Secretary present

APPROVAL OF MINUTES -

Mr. Lamperski asked for a motion to approve the January 21, 2020 meeting minutes. Mr. Winikoff moved to approve the minutes of January 21, 2020, seconded by Mr. Lampark and carried.

OLD BUSINESS -

Comprehensive Plan Review

Mr. Lamperski explained the Planning Commission is in the process of revising the comprehensive plan. There is nothing new to report this month. They will continue with updates every meeting.

SPF 19-11-05 Deerfield Estates Preliminary & Final Land Development

Mr. Patrick Cooper of Gateway Engineers, Inc., Mr. Michael Seydor of Maronda Homes, Inc., Mr. Josh Haydo of David E. Wooster & Associates and Mr. James McLean, Counsel for Maronda were present to go over their proposed land development and answer any

questions the Planning Commission and audience members had. They were in front of the Planning Commission at the December 17, 2019 and January 21, 2020 meetings and were tabled. They were back again with revisions that were made. Mr. Cooper advised since the last meeting they met with the Mr. Malak and Mr. Phillips and have addressed their comments. They also met with the Fields of Nicholson HOA representatives. Mr. McLean then came forward to discuss this meeting with the Fields of Nicholson HOA representatives. He gave the signed memorandum to the Planning Commission for their records. Maronda Homes representatives and counsel and Fields of Nicholson HOA representatives and counsel met to discuss a number of concerns, including some that were raised at the Planning Commission meeting of January 21, 2020. As a result of those discussions they were able to reach an agreement as to how to resolve certain issues. This was memorialized in a one-page memorandum, signed by both the President of the Fields of Nicholson HOA and by Maronda Homes. He reviewed the areas in this memorandum. He stated the key element is each of these represent something that Maronda has come forward and is willing to do even though it is not required by the ordinance. There were 5 areas stated in this memorandum: **1.)** Buffer area adjacent to Lots 125 & 126 in Deerfield Estates Plan: Maronda will install, at its cost, buffer yard plantings within the lands of the Fields of Nicholson parcels "E" and "F" immediately adjacent to Lots 125 and 126 of the Deerfield Estates plan and on either side of the connection to Laurel Drive. The buffer yard plantings as agreed upon will have a one-year warranty assigned to the Fields of Nicholson HOA, which will be responsible for the maintenance of the plantings once installed. **2.)** Concrete barriers placed at the end of existing Laurel Drive cartway to prohibit access to the site during construction of the project until such time when it must be opened in order to comply with conditions of any permits or the Borough's requirements. **3.)** Additional Conservation Easement area: Maronda agrees to create a non-buildable, conservation easement 50 feet in width on the border with the Fields of Nicholson plan between Nicholson Road and Lot 211 in the plan. **4.)** Slope Modifications: Maronda has demonstrated the storm water runoff to the Fields of Nicholson properties will be reduced as a result of developing the Deerfield Estates project, and that slope modifications being requested on the Deerfield Estates site do not affect any properties within the Fields of Nicholson plan. **5.)** Construction Entrance: Maronda will notify all subcontractors and material suppliers that they must use the Deerfield Road entrance from Nicholson Road as the sole construction entrance and will employ signage as permitted by applicable code regulations at Laurel Drive to identify and direct all construction traffic to the Deerfield Road construction entrance to site from Nicholson Road. This directive will remain in place until all homes in the Deerfield plan are completed.

Mr. Lamperski asked about the traffic study taking into consideration the proposed development of apartment units along Nicholson. Mr. Haydo came forward to discuss this. Mr. Haydo explained they did revise the traffic study to include that proposed development traffic and ultimately it did not impact the results of findings of the study. It was reviewed by the Borough's traffic engineer and consultant and found acceptable. All comments to date have been adequately addressed.

Mr. Lamperski then asked if Mr. Malak or Mr. Phillips had any questions or comments. They both advised their comments were all house-keeping items.

Mr. Lamperski then asked if there were any public comments. Mr. Paul Merriman of 139 Carriage Drive, Freedom, PA, representing Franklin Park Baptist Church Council, came forward and asked about the adjoining property to their cemetery. They wanted to know if there was going to be any type of buffer between their cemetery property and Deerfield Estates because they had concerns about children coming on to the property and getting hurt in the cemetery. He asked if the Church would be liable for any injuries. Mr. Cooper stated this area would be green space and they had no plans on any type of buffers since there would be no houses in that area. Ms. Golfieri stated she could not advise the church on liability issues but there was nothing in the Borough's ordinance that would require any type of buffer in that area. She recommended the church seek advice from their attorney about their liability and what their options were.

Seeing there were no more comments or questions from the audience or the Planning Commission, Mr. Lamperski then asked for a motion for this proposed development. They would be making 4 motions total, one for each modification/waiver and one for the application itself. Mr. Lampark stated he would like to thank everyone for working together on this proposed development. Mr. Lampark made a motion to recommend for approval to Council waiver from Section 184-910 Environmental protection and Section 124-16 Standards for excavation for maximum percentage of slope disturbance, seconded by Mr. Chang and carried. Mr. Lampark made a motion to recommend for approval to Council waiver from Section 124-16/17 Standards for excavation and fill for slope disturbance steeper than 3 to 1, seconded by Mr. Chang and carried. Mr. Lampark made a motion to recommend for approval to Council waiver Section 178-4.C(3)(c)[3,5] that requires vegetative swales to have slopes not exceeding 4%, seconded by Mr. Chang and carried. Mr. Lampark made a motion to recommend for approval to Council SPF 19-11-05 Deerfield Estates Preliminary & Final Land Development, contingent on memorandum of agreement between Maronda Homes and Fields of Nicholson HOA, and Borough engineer's comment letter dated February 14, 2020 and Mr. Phillips' Staff Report comments dated February 13, 2020, seconded by Mr. Chang and carried.

Mr. Cooper thanked everyone for being very accessible to help them through this proposed development application.

NEW BUSINESS –

CU 20-02-02 Justin & Tana Mitchell Conditional Use Application

The applicants, Mr. Justin & Mrs. Tana Mitchell, were present to explain their conditional use application and answer any questions. Mr. Mitchell explained they were starting a mobile coffee trailer to serve the Allegheny County area. They are looking to keep their costs as low as possible as they start up. They are seeking to get approval to use a portion of their garage for storage of supplies, access water for use on the coffee trailer and provide appropriate sanitation of utensils and disposal of gray water required by the county health department. They are working very closely with the Health Department to make sure what they are planning meets all the ordinances and health codes required to get approved as a commissary. They have a parking pad alongside their current driveway to park the trailer when not in use. This pad is a level gravel pad and is approximately 13' x 5' x 6'. The trailer is not registered as a classed vehicle because there

is no motor on it. They will pull this trailer with their 2019 Chevy Silverado. No business will be performed from their home and they will only have two (2) employees, himself and his wife, Tana Mitchell. Most of the supplies they are using will be local and they will be picking these up themselves.

The Solicitor explained the process of this conditional use application to make sure it meets all the criteria. While this is deemed appropriate use for the zoning district, there are some safeguards the Borough would like to see in place to make sure that it is compatible and does not have negative impact on any surrounding property. In the ordinance there is a set of supplemental requirements that the applicant would have to meet in order to get that approval. The planning commission would make their recommendation to Borough Council and it would then move on to Council and there would be an advertised public hearing which they would then again explain their case showing they meet all the criteria in the ordinance. Borough Council would have the vote as to approve or deny this application.

Mr. Lampark went through Section 212-1907(A)(2)(a) through (h); the criteria that needed to be met with the Applicant. The applicant explained they meet all criteria. The Solicitor stated they would be bound by these criteria in the ordinance. If they should ever wish to make changes they would need to come for a variance.

The Planning Commission asked the applicants if they would be willing to sign a Consent for Extension of Time on this application as the next Borough Council meeting is March 18, 2020. The Applicants agreed to an extension of time of March 19, 2020.

Seeing there were no more comments from the Planning Commission or public, Mr. Lamperski asked for a motion for this conditional use application. Mr. Lampark made a motion to recommend for approval to Council CU 20-02-02 Justin & Tana Mitchell Conditional Use Application, seconded by Mr. Winikoff and carried

GOOD & WELFARE – NONE

MOTION TO ADJOURN -

Mr. Lamperski asked for a motion to adjourn the meeting. Mr. Winikoff moved to adjourn at 8:32 p.m., seconded by Mr. Lampark and carried.

Respectfully submitted,



Tara Roth
Planning Commission Secretary
Audience: 60