

**BOROUGH OF FRANKLIN PARK
BOROUGH COUNCIL SPECIAL MEETING MINUTES
WEDNESDAY, MAY 27, 2020**

A special meeting of the Borough Council of the Borough of Franklin Park was held both in-person and virtually via Zoom remote audio and video conferencing on Wednesday, May 27, 2020 at 7:00 p.m. at the Blueberry Hill Park Activity Center.

Council President Jim Hogg called the meeting to order at approximately 7:15 p.m.

Pledge of Allegiance

Cathy Krummert called the roll:

COUNCIL MEMBERS:

James W. Hogg present
Jiang Li present
Brian S. Malkin participated via Zoom
John P. Parks. present
Thomas C. Schwartzmier present
Susan Striz participated via Zoom
Junior Councilperson Nathan Gierczynski present
Mayor Dennis E. O’Keefe present

ENGINEER:

Michael Malak, Senate Engineering Company absent/excused

SOLICITOR:

Robert Max Junker, Babst Calland present

STAFF:

Zach Brower, Recreation Program Director present
Gary Bucuren, Superintendent of Public Works absent/excused
Rege Ebner, Borough Manager present
Walt Healy, Police Chief absent/excused
Cathy Krummert, Borough Secretary present
Tim Phillips, Building Inspector/Zoning Officer present
Bill Schweitzer, Manager of Golf Course & Parks Facilities absent/excused

PUBLIC COMMENTS - None

OLD BUSINESS

None

NEW BUSINESS

PUBLIC HEARING, CONDITIONAL USE APPLICATION, JUSTIN & TANA MITCHELL, 1522A KING JOHN DRIVE

- Mr. Hogg turned the meeting over to Mr. Junker to conduct a public hearing. Sherry Wurzel, court reporter, was present to take a verbatim transcript of the hearing. Mr. Junker entered exhibits into the record. Mr. Mitchell explained that they own a business called Urban Trail Coffee, and they want to construct a small space inside their existing garage to serve as a commissary to store supplies, to put fresh water on the coffee trailer, to sanitize utensils and to have a space to dispose of gray water that they produce on the trailer from rinsing and producing the coffee. The commissary space is approximately 120 square feet (15' x 8') and will contain shelving, ice machine, refrigerator, work table and it will be used as a place to load and unload the coffee trailer. There is a small parking pad off to the side of the garage for the non-motorized pull behind trailer. They are a small family owned business. Council asked questions that were answered by the applicant.

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Mr. Phillips' staff report includes the recommended conditions for approval as well as anything that is needed to meet the requirements of the home occupation restrictions. There were no comments from the public regarding this application. Mr. Parks moved to approve CU-20-02-02 for Home Occupation submitted by Justin & Tana Mitchell to have a commissary for their coffee trailer mobile café business at the residential property located at 1522A King John Drive, Pittsburgh, PA 15237, in the R-2 zoning district, contingent upon compliance with the Building Inspector/Zoning Officer's Staff Report dated February 19, 2020, seconded by Dr. Li and carried.

RESOLUTION NO. 1218-2020, DEERFIELD ESTATES PLAN – Mr. Junker summarized Resolution No. 1218-2020. Mr. Schwartzmier moved to adopt Resolution No. 1218-2020 approving Subdivision Application SPF-19-11-05, submitted by Maronda Homes, Inc. for the Deerfield Estates Plan, a 92-lot preliminary and final subdivision plan, to be located at 2460 and 2474 Nicholson Road in the R-3 zoning district, seconded by Mr. Parks. Mr. Hogg stated that Council had three options this evening: (1) To vote on the application this evening; (2) To advertise a special meeting next Wednesday, June 3rd to vote. The meeting would need to be advertised, and public comment would be taken again on that date; or (3) To ask the applicant to grant an extension until the June 17th meeting, and Council would vote that evening.

Attorney Jim McLean spoke on behalf of the applicant, Maronda Homes. He indicated that they are seeking preliminary and final approval of a 92-lot subdivision on Nicholson Road. The applicant was before the Planning Commission in December, January and February and made changes and revisions to the plan as a result of those meetings. The developer also met with the Fields of Nicholson Homeowners Association to hear their concerns. They reached a Memorandum of Understanding that became part of the Planning Commission record. Mr. McLean stated that the plan meets or exceeds all requirements of borough ordinances.

Mr. Pat Cooper of Gateway Engineers presented and reviewed the proposed plan. He stated that the plan includes 91 new lots and one existing lot. They are in the process of obtaining PennDOT and DEP permits and those from smaller providers and authorities. Mr. Cooper then responded to questions and concerns from Borough Council members regarding the size of one of the cul-de-sacs, the possibility of changing the street name to something other than "Laurel" (to alleviate confusion with the existing Laurel Drive in the Fields of Nicholson Plan), the relocation of a utility pole near the main entrance off Nicholson Road, the location of the main entrance on Nicholson Road across from Mystic Valley Drive, the connection from this new plan to the existing Fields of Nicholson Plan, sidewalks, stormwater, trees, types of homes and blocking off the existing Laurel Drive connection to the Fields of Nicholson Plan during construction.

Mr. Chuck Wooster of Wooster and Associates answered questions regarding the traffic study.

Public comment regarding this application:

Mr. Ebner summarized written comments previously submitted, and it was noted that all Council members had received these written comments prior to the meeting.

Pat and Steve Lampe, 1436 Laurel Drive – Mr. and Mrs. Lampe asked that Maronda Homes consider constructing another entrance into the new plan to reduce congestion and improve driving safety.

Jason Sun, 1402 Mystic Valley Drive - Mr. Sun asked if the subdivision application was available on the borough website.

Rodney Fink, 1427 Laurel Drive – Mr. Fink asked that the following reasonable access alternatives be imposed: (1) Vehicular access be restricted to the Deerfield Estates entrance (across from Mystic Valley Drive); and (2) Limit the proposed Laurel Drive entrance to emergency vehicles only.

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Nancy Giallonardo (no address provided) – Ms. Giallonardo made a number of comments regarding the overcrowding in the school district, the borough taking money to fund super parks rather than neighborhood parks and Maronda Homes taking advantage of the quality of life and taking every shortcut imaginable.

Tom and Judee Rooney, 1446 Laurel Drive – Mr. and Mrs. Rooney expressed concern regarding Laurel Avenue being used as the name of the stub road that would connect the proposed new development and suggested that the developer use a different name to create their own identity for their plan. He stated that the post office indicated that the borough decides the street names.

Jim Heinrichs, 1818 Waterleaf Court – Mr. Heinrichs commented that the Fields of Nicholson Plan has a very active Homeowners Association. They are a unique community and they want to maintain their integrity.

The following residents then provided public comment in person or virtually:

Joan Ozdogan, 1715 Waterleaf Drive – Ms. Ozdogan carefully chose the Fields of Nicholson Plan for many reasons. She supports growth in the right way, but she is opposed to the potential risks and liability to the Fields of Nicholson residents. The residents in the Fields of Nicholson will have a diminished quality of life if connected to the Deerfield Estates Plan.

Tom Rooney, 1446 Laurel Drive – Mr. Rooney had previously submitted written comments and thanked the Fields of Nicholson Homeowners Association.

Jamie Bonomo, 1800 Waterleaf Court – Mr. Bonomo indicated that the Homeowners Association did not consider the stub street when negotiating with Maronda. He studied the traffic study data and noted that the data was collected more than two years ago when the Fields of Nicholson Plan was not complete, and it was at the time of year when most residents are away. The developer is minimizing the cost of the development to maximize profit.

John Anke, 1805 Waterleaf Court – Mr. Anke commented that Maronda should look at the practical standpoint of the intersection and the risk factor.

Uday Palled, 1605 Twin Oaks Drive – Mr. Palled asked about the utility pole location near the plan entrance on Nicholson Road and the timeframe for construction of the plan.

Jim Heinrichs, 1818 Waterleaf Court – Mr. Heinrichs commented that the borough could grant a variance for the connection to Laurel Drive to be used only as an emergency access.

At the conclusion of the public comment, Mr. Junker explained the options for Council this evening. The plan was before the Planning Commission on three occasions and the plan was revised several times. The question is, does the plan meet the requirements of the ordinance? Mr. Junker noted that the approval resolution is set up in the positive sense and it lists the conditions in the Staff Report, the Borough Engineer's review letter and the Fields of Nicholson Homeowners Association Memorandum of Understanding. If Council votes no, the applicant is entitled to a written decision, and the borough must cite specifics. If denied the applicant can appeal to the Court of Common Pleas. The applicant could also decide to revise and resubmit the application. Council received a lot of comments and concerns, but in terms of the legal standards, Council must follow the ordinance for how property owners can develop their land. Council could also table the motion and ask for an extension from the applicant.

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A roll call vote was then taken as follows:

Mr. Hogg Yes
Dr. Li No
Mr. Malkin No
Mr. Parks Yes
Mr. Schwartzmier..... Yes
Ms. Striz..... No

The vote resulted in a tie, and Mr. Junker explained that the Mayor could vote this evening to break the tie or he could possibly push back his vote until June 3rd. Mayor O’Keefe then asked Mr. Phillips to review the Planning Commission review and recommendation. He also asked Mr. Junker to review the ramifications of a no vote.

Mayor O’Keefe then indicated that he was ready to vote, and his vote was “Yes”. The motion was approved. Mr. Junker indicated that a written notice would be issued to the applicant.

MAYOR O’KEEFE – Mayor O’Keefe thanked everyone for attending this evening.

MR. PARKS – Mr. Parks indicated that this was one of the toughest decisions he has made since he has been on Council.

MR. MALKIN – Mr. Malkin thanked the citizens who provided opinions and comments.

MS. STRIZ – Ms. Striz stated that she appreciates everyone being involved in the community.

MR. SCHWARTZMIER – Mr. Schwartzmier indicated that obviously there are concerns and it is a difficult situation.

MOTION TO ADJOURN – Mr. Parks moved to adjourn the meeting, second by Mr. Malkin and carried. The meeting adjourned at 8:52 p.m.

Respectfully submitted,



Cathy L. Krummert
Borough Secretary

Audience Present – 18 in person and 13 virtually