

MINUTES
REGULAR MEETING
May 4, 2015 7:15 PM

MARSHALL TOWNSHIP BOARD OF SUPERVISORS
525 PLEASANT HILL ROAD
WEXFORD, PA 15090

The following persons were present:

SUPERVISORS: Thomas Madigan, Chairman
Philip Troy, Vice Chairman (Absent)
Jason Bragunier
Richard Scavo (Absent)
Anthony (Jack) Candek

MANAGER: Neil D. McFadden

ENGINEER: Art Gazdik, P.E.

PLANNING DIR: Nicole Zimsky, AICP

SOLICITOR: Blaine Lucas, BCCZ

TWP. SECRETARY: Sheryl Snyder

OTHERS: Heidi Hawk, Adelman Reporters and 16 Others

1. Call to Order - The meeting was called to order at 7:15 p.m.
2. Pledge of Allegiance - All rose to recite the Pledge of Allegiance.
3. Public Comment

Mr. Dave Schneider of 150 Wildflower Lane approached the Board. He expressed his concerns with regards to the costs involved, questioned the long-term plan for the recreation facilities, and questioned what was the basis to conclude that the best use of tax dollars is to spend it developing Altmyer Park versus improving existing facilities at Knob and/or Warrendale Park. Mr. Schneider believes this project needs to be reevaluated based upon the long-term needs of the Township's recreation facilities.

4. Consent Agenda

4a. Minutes

Regular Meeting (April 6, 2015) - No corrections or additions were made.

Continued Regular Meeting (April 13, 2015) - No corrections or additions were made.

Agenda Meeting (April 27, 2015) - No corrections or additions were made.

4b. Expenditures

Month of April 2015 – No corrections or additions were made.

4c. Announcements

None.

4d. Reports

Police – Report forthcoming.

Police Board Liaison – Mr. Candek indicated the Board approved the attendance for Captain Sicilia and Chief Amann's attendance at an International Chiefs of Police Conference in Chicago, IL in late October. Also discussed was the refund of \$64,710.00 from the MRM Workmen's Compensation, which was a refund for 2015.

Firemen – Written report submitted.

Fire Company Liaison – Mr. Candek announced the local news media did a study on response times for fire departments. The national average response time is 14 minutes. Pittsburgh's response time is four minutes. Marshall Township's response is at 6 minutes average, which is quite good.

Public Works Director – Written report submitted.

Zoning Officer – Written report submitted.

Building Inspector – Written report submitted.

O.E.M. – Written report submitted.

Recreation Director – Written report submitted.

Recreation Liaison – Nothing to report at this time.

Northland Library Board – Nothing to report at this time.

MTMSA Liaison – Nothing to report at this time.

COG Liaison – Nothing to report at this time.

ACATO – Nothing to report at this time.

Police Pension Board – Nothing to report at this time.

Mr. Madigan recommended a motion to approve all items on the Consent Agenda as submitted/amended. Mr. Bragunier moved to approved, seconded by Mr. Candek; vote in favor was unanimous [3-0].

5. Engineer's Report

- Bond Status - None.
- 2015 Road Project(s)

Mr. Gazdik presented a memo dated May 4, 2015 to the Board detailing the results of the bids for this year's improvement projects. He indicated the Township is in a position to recommend award of Contracts 15-01, 15-01A, 15-01B and 15-02 in the amount of \$928,344.91 to Youngblood Paving Company. Mr. Madigan made a motion to award the 2015 road improvement contracts to Youngblood Paving in the amount of \$928,344.91. Mr. Bragunier moved to approve, seconded by Mr. Candek; vote in favor was unanimous [3-0].

6. Manager's Report

None.

7. Legal Matters

None.

8. Unfinished Business

8a. Resolution to Approve the Amended and Restated Loan and Security Agreement Between the Marshall Township Municipal Sanitary Authority and the Township of Marshall. Motion to Adopt - Mr. McFadden indicated there has been no further progress with this Resolution and recommended a motion to table. Mr. Madigan made a motion to table. Mr. Bragunier moved to approve, seconded by Mr. Candek; vote in favor was unanimous [3-0].

9. PLANS

9a. Thorn Hill Associates, LP; Brush Creek and Knob Road, Concept Plan – Mr. Greg Banner with Key Environmental representing Thorn Hill Associates approached the Board. He briefly discussed the new Thorn Hill Associates, LP concept proposing that Lots 3 & 4 are now combined, so it no longer is considered a flag lot. He also proposed that there will be three hotels rather than four with space being provided in hotel 3 for meetings and/or small conferences. After a brief discussions regarding the new concept for the plan, the Board's preference would be to see two hotels instead of three and an overall development plan that was less cramped and preserved. However, the subdivision appears to be compliant this time and the applicant is entitled to take their plan before the Planning Commission.

9b. Pinewood Corporate Park; Land Development SP(LD)15-02; Perry Hwy, Warrendale Bayne Road and Harmony Road; plans dated 2/10/2015; deadline 6/01/2015 – Ms. Zimsky indicated this plan proposes two 30,000 SF, 3-story office buildings to be constructed on property that fronts on Warrendale Bayne Road and Harmony Road. The proposed development is located in the Route 19 Boulevard (RB) zoning district. This application was before the Planning Commission on April 20, 2015 and they voted unanimously to recommend approval. Bufferyard C is required on the eastern side of the development where it abuts the TC Zoning District. This application was granted six (6) variances from the Zoning Hearing Board on April 21, 2015. Ms. Zimsky indicated the applicant is seeking approval from the Board for one modification from the stormwater management provisions. They need to provide an emergency spillway because of the topography and its location. Mr. Gazdik stated basically, the embankment is the roadway, so PennDOT does not like to have gravel spillways crossing the highways. Mr. Madigan stated the purpose of the emergency spillway is to provide some way to control the overflow if the reservoir gets filled up. Mr. Gazdik indicated it is there to protect the embankment from overflow. There will be a structural overflow that is sized to handle 100% of the flow. Mr. Madigan made a motion to grant the requested modification. Mr. Bragunier moved to approve, seconded by Mr. Candek; vote in favor was unanimous [4-0]. Mr. Madigan made a motion to approve the plan subject to compliance with the conditions set forth in Ms. Zimsky and Mr. Gazdik's memos dated April 30, 2015. Mr. Madigan noted for the record, for the benefit of future Boards, that it is our expectation that any plan based on the representations made that any plan for the development of an adjacent piece of property include, as a condition, the construction of those bridges. Mr. Bragunier moved to approve, seconded by Mr. Candek; vote in favor was unanimous [3-0].

9c. Fairmont Square; Subdivision SUB-FIN 15-07; Fowler Road; plans dated 2/25/2015; deadline: 7/06/2015 – Ms. Zimsky indicated this proposed plan is a revised subdivision plan to the Fairmont Square Development. The property is 27.9 acres. The developer is proposing to construct 97 townhouses and 22,000 SF of retail/office buildings. The property is located in the Route 19 Boulevard (RB) Zoning District. With the original approval, the Applicant received relief from Zoning Hearing Board from the requirement to have a maximum of 75% of the gross land area as residential. The Developer also received relief for their impact to slopes 15% - 25%

and slopes greater than 25%, for tree replacement, and for front yard setback in the residential portion of the development. These variances have expired; therefore, the developer needed to reapply to the Zoning Hearing Board. On April 21, 2015, the Zoning Hearing Board re-granted the newly submitted variances. Ms. Zimsky indicated the developer is seeking a modification request and one that was previously granted. This modification is for the horizontal and vertical curve design. Mr. Madigan made a motion to grant the requested modification from the Horizontal and Vertical Curve Design. Mr. Bragunier moved to approve, seconded by Mr. Candek; vote in favor was unanimous [3-0]. Mr. Madigan made a motion to approve the revised plan subject to compliance with the conditions set forth in Ms. Zimsky and Mr. Gazdik's memos dated April 30, 2015. Mr. Bragunier moved to approve, second by Mr. Candek; vote in favor was unanimous [3-0].

9d. S. Hammel Properties; Subdivision SUB-FIN15-04; Route 19 and Harmony Rd., plans dated 2/10/2015; deadline: 6/01/2015 – Ms. Zimsky indicated this proposed plan consolidates four existing parcels into one to facilitate a land development. The properties currently consist of playground equipment and two residential dwellings, which will be razed. The improvements will consist of three 1-story retail buildings. The property is located in the Route 19 Boulevard (RB) zoning district. Ms. Zimsky and Mr. Gazdik prepared a joint memo dated April 28, 2015. Ms. Zimsky's only comment is that the abutting residual tract, B/L 1999-J-21 - Three Degree Development Corporation should be labeled on the subdivision plan, 174-207.B. Ms. Zimsky stated this plan was before the Planning Commission on April 20, 2015 and recommendation for approval of the plan was unanimous. Mr. Madigan made a motion to approve the subdivision plan subject to meeting the conditions of Ms. Zimsky and Mr. Gazdik's joint memo of April 30, 2015, with the condition that a pedestrian easement be provided on the full length of the property to the Township. Mr. Bragunier moved to approve, seconded by Mr. Candek; vote in favor was unanimous [3-0].

9e. S. Hammel Properties; Land Development SP(LD)15-01; Route 19 and Harmony Rd., plans dated 2/10/2015; deadline: 6/01/2015 – Ms. Zimsky stated this plan proposes three commercial buildings. The first, a one-story 6,400 SF building, the second, a one-story 5,460 SF building, and the third a one-story 7,280 SF building. All three buildings are proposed to be retail uses. The proposed development is located in the Route 19 Boulevard (RB) Zoning District. For this plan, two variances were granted by the Zoning Hearing Board on April 21, 2015. One of the variances pertained to sidewalks. The sidewalk along Perry Highway stops before it reaches the property line due to the topography and a stream causing the necessity for a pedestrian bridge. This plan was before the Planning Commission on April 20, 2015 and a recommendation for approval of the plan was unanimous. Mr. Madigan made a motion to approve the land development plan subject to the conditions contained in Ms. Zimsky and Mr. Gazdik's memos dated April 30, 2015 and to include the addition of a pedestrian sidewalk easement along the frontage of Route 19, the full length of the property to the Township. Mr. Bragunier moved to approve, seconded by Mr. Candek; vote in favor was unanimous [3-0].

9f. The Kaiser Plan; Fast Track Subdivision SUB-FIN 15-08; 99 Harmony Road; Plans dated 03/06/2015; deadline: 7/29/2015 – Ms. Zimsky indicated this proposed plan is a lot line change around an existing structure. The property is located at 99 Harmony Road in the Route 19 Boulevard (RB) zoning district. Ms. Zimsky indicated that she is not privy to the property owner's desire or ultimate desire for this property. The applicant is proposed to make Lot 1 a flag lot directly abutting and surrounding a single-family home indicated as Lot 2. Short discussion took place regarding flag lots and minimum lot size requirements. Because the size of Lot 1 is being reduced substantially more than minimum lot size, the Board decided to table

the plan. Mr. Madigan made a motion to table. Mr. Bragunier moved to approve, seconded by Mr. Candek; vote in favor was unanimous [3-0].

9g. The Kaiser Warrendale Plan; Fast Track Subdivision SUB-FIN 15-09; 20 Warrendale Bayne Road; Plans dated 03/06/2015; deadline: 7/29/2015 – Ms. Zimsky indicated this proposed plan is a lot line change around an existing structure. The property is located at 20 Warrendale Bayne Road in the Town Center (TC) zoning district. The applicant wanted to keep the driveway traversing through Lot 1 to the house on Lot 2 located within Lot 1 with an easement for Lot 2. Mr. Madigan suggested looking at the actual language of the current easement because if the language of the easement indicates that the purpose of the easement or that the need for the easement is tied to the lack of frontage on Lot 2, the easement may, by its terms, extinguish in which case we should be clear on that in case someone is expecting to continue to access Lot 2 from that easement. Mr. Madigan suggested to table this plan to explore further the language of the easement and the affect of the proposed lot reconfiguration on the continuation of the easement. Mr. Madigan made a motion to table. Mr. Bragunier moved to approve, seconded by Mr. Candek; vote in favor was unanimous [3-0].

9h. Park at Marshall Plan: Refresh Approval for Recording Purposes – Mr. Madigan made a motion to refresh the plan for recording purposes. Mr. Bragunier moved to approve, seconded by Mr. Candek; vote in favor was unanimous [3-0].

10. New Business

10a. Public Hearing - Ordinance amending the Marshall Township Code, Chapter 208, ZONING. Providing for definitions; establishing certain general and specific standards relating to the location, placement, construction and maintenance of tower-based and non-tower based wireless communication facilities; providing for the regulation of such facilities within the public rights-of-way and outside the public rights-of-way; providing for the enforcement of said regulation; and providing for an effective date. Consideration – Mr. Madigan opened the public hearing at 7:50 p.m. Heidi Smith swore in those wishing to testify. Mr. Lucas included in the record a copy of the proposed ordinance and the public notice of this public hearing.

The following is a summary of the hearing. Transcript of hearing to be provided by Adelman Reporters and placed in file for future reference.

Ms. Zimsky indicated this ordinance is the result of a contract that the Township entered into with the Cohen Law Group. Cohen Law Group approached all of the members of the North Hills Council of Government to update their tower ordinances. This ordinance was presented to the Planning Commission on March 3, 2015 and they voted unanimously to recommend approval of the ordinance. Mr. McFadden indicated he is unaware of any failures of adoption of this ordinance upon municipal review by the additional 11-COG members.

Consideration: After brief discussion regarding the content of the ordinance, the Board decided to continue the public hearing to June 1, 2015.

10b. Public Hearing - Northgate Road Vacation Ordinance. Consideration - Mr. Madigan opened the public hearing at 7:58 p.m. Heidi Smith swore in those wishing to testify. Mr. Lucas included in the record: the proposed ordinance, the legal advertisement, and proof of publication.

The following is a summary of the hearing. Transcript of hearing to be provided by Adelman Reporters and placed in file for future reference.

Ms. Zimsky indicated this ordinance is to vacate the most northerly section of Northgate Drive. Once this vacation is approved and recorded, the Park at Marshall will be able to record their subdivision. There was no public comment. Mr. Madigan closed the public hearing at 8:00 p.m.

Consideration: Mr. Madigan made a motion to approve Ordinance No. 434 vacating a portion of Northgate Drive. Mr. Bragunier moved to approve, seconded by Mr. Candek; vote in favor was unanimous [3-0].

10c. Resolution for Sewage Facilities Planning Module Approvals for Belrock, L.P. (Paragon Foods). Motion to Adopt – Mr. Madigan made a motion to adopt the planning module as Resolution No. 878. Mr. Candek moved to approve, seconded by Mr. Bragunier; Vote in favor was unanimous [3-0].

10d. Presentation of "Start-Up" Budget for Altmeyer Park. Possible Motion to Appropriate Funds from the General Fund Balance – Mr. McFadden mentioned that the Recreation Director has asked for a table of this item.

11. Correspondence

12a. Letter Received from Betsy A. Zimmerman advising of Her Resignation from the Marshall Township Zoning Hearing Board - Mr. McFadden indicated the Township received a letter from Betsy Zimmerman advising of her resignation from the Marshall Township Zoning Hearing Board. The Board of Supervisors directed Mr. McFadden to advertise for this vacancy.

12. Executive Session - One Personnel Matter - Board entered into Executive Session at 9:44 p.m. to discuss one personnel matter. Upon return to public session, Mr. Madigan made a motion to authorize Chairman's signature on correspondence related to this personnel matter. Mr. Bragunier moved to approve, seconded by Mr. Candek; vote in favor was unanimous [3-0].

ADJOURN

Since there was no further business to come before the Board, at 10:00 p.m., the meeting adjourned. Motion by Mr. Bragunier, seconded by Mr. Candek; vote in favor was unanimous [3-0].

Respectfully submitted,

Sheryl Snyder