

MINUTES
REGULAR MEETING
June 6, 2016 7:00 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)
Anthony (Jack) Candek
Jason Bragunier (Absent)
Robert Edwards

MANAGER: Neil D. McFadden

ENGINEER: Art Gazdik, P.E. (Absent)

PLANNING DIR: Nicole Zimsky, AICP

SOLICITOR: Larry Baumiller, BCCZ

TWP. SECRETARY: Sheryl Snyder

OTHERS: Heidi Smith, Adelman Reporters and 15 Others

1. Call to Order - The meeting was called to order at 7:00 pm.
2. Pledge of Allegiance - All rose to recite the Pledge of Allegiance.
3. Public Comment – Francios Bitz, 1640 Pleasant Hill Road, approached the Board to suggest that since the sides of Pleasant Hill Road is being dug up to install the waterlines, he doesn't see any reason why sidewalks could not be installed from Pleasant Hill Road to Copper Creek with the money from the Trails Fund and this would be much less expensive because West View Water is already removing trees, brush, and stumps to install their waterline. He stated that the Township has the money already from Infinity to install the sidewalk for the fact they received a variance on installing a sidewalk along Pleasant Hill and in lieu, contributed to the Trails Fund. Mr. McFadden indicated the trees were one reason and the slope was another for Infinity receiving the variance, but now, the trees are gone and the slope is going to be drastically changed and stated he believes it is an excellent suggestion.
4. Consent Agenda
 - 4a. Minutes

Regular Meeting (May 2, 2016) - No corrections or additions were made.
Agenda Meeting (May 23, 2016) - No corrections or additions were made.
 - 4b. Expenditures

Month of May 2016 - No corrections or additions were made.

4c. Announcements

None.

4d. Reports

Police – Report forthcoming.

Police Board Liaison – Nothing to report at this time.

Firemen – Written report submitted.

Fire Company Liaison – Nothing to report at this time.

Public Works Director - Written report submitted.

Zoning Officer - Written report submitted.

Building Inspector, O.E.M. - Written report submitted.

Recreation Director - Written report submitted.

Recreation Liaison – Mr. Edwards indicated Ms. Jerry is working on the landscaping proposal for Altmyer for the June Agenda Meeting.

Northland Library Board - Written report submitted.

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.

4e. Manager's Report

- Brush Creek Road Status - Mr. McFadden noted the County has milled the entire length of Brush Creek Road. They took a break to allow a contractor to come in to replace the traffic loops in the pavement. That work was being conducted today. The County will be back at their convenience as far as a paving schedule and they will put two inches of asphalt over milled surface. That is a concrete base in the Brush Creek Road so that should work.
- Mark Pittman Meeting - Mr. McFadden stated Mark Pittman, Financial Advisor for the Pension Plan, was unavailable in the month of June for the proposed meeting. He is available for the Agenda Meeting on July 25, 2016. The advantage to the reschedule is that Mr. Pittman can provide the Board a full mid-year report.

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

5. Engineer's Report

- Bond Status
 - Keystone Summit, Security Reduction Request – Mr. McFadden indicated the Township received a reduction request in the amount of \$657,247.19. Mr. Gazdik has certified that the work has been completed. The remaining balance after the request will be \$14,000. Mr. Madigan made a motion to approve the requested reduction based on the Engineer's recommendation and memorandum of 5/24/16. Mr. Edwards moved to approve, seconded by Mr. Candek; vote in favor was unanimous [3-0].
 - Rohrich Bentley, Security Reduction Request – Mr. McFadden stated Rohrich Bentley submitted a reduction request based on their original plans. There was a surveying error on those plans, which in addressing that surveying error, the cost of improvements changed fairly drastically. Rohrich is asking for a reduction in their

security only because the new improvements cost that much less. Mr. Gazdik has reviewed the figures and has agreed. They are requesting a reduction of \$809, 284.80 based on the difference between the original proposal and what will actually go into the ground. Mr. Madigan made a motion to approve the security reduction request for the Rohrich Bentley in accordance with the Township Engineer's memo dated 6/1/2016. Mr. Candek moved to approve, seconded by Mr. Edwards; vote in favor was unanimous [3-0].

- S. Hammel, Security Reduction Request – Mr. McFadden mentioned this is a reduction request in the amount of \$287,441.00. This is due to the completion of improvements, however there are three contingencies. One, is payment of all current fees owed to the Township or its agents; two, the completion of all landscaping is verified prior to the June 6, 2016 , meeting date; and three, the developer places a cash stormwater security with the Township in the amount of \$7,600.00. Mr. McFadden mentioned he visited the site today and the landscaping was not only not complete, but there were no plants on site. Mr. Madigan made a motion to table this request to the June Agenda Meeting. Mr. Candek moved to approve, seconded by Mr. Edwards; vote in favor was unanimous [3-0].
- 2016 Road Project(s) – Mr. McFadden noted that Mr. Gazdik has issued a Notice to Proceed and he asked that the contractor not proceed any earlier than June 20, 2016.

6. Legal Matters

None.

7. Unfinished Business

None.

8. PLANS

8a. Public Hearing - Wesley Spectrum; [Conditional Use] CU 16-03; Perry Highway and Harmony Rd., plans dated 2/10/2015; deadline: 6/20/2016 - Mr. Madigan opened the public hearing at 7:20 pm. Heidi Hawk of Adelman Reporters swore in those wishing to testify. Mr. Baumiller included in the record as Exhibit A, Township Zoning Ordinance and Map; Exhibit B, Conditional Use Application; Exhibit C, Legal Notice and Proof of Publication and Posting for this hearing; Exhibit D, Planning Commission Recommendation and Minutes; Exhibit E, Staff Review Memos and any responses received from the applicants; and Exhibit F, when this development was originally approved, there was a parking variance granted that permitted parking to be placed between the road and the buildings.

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 stated the applicant is seeking a conditional used approval to operate a Medical Office (therapy facility) at 16055 Perry Highway, Building 3. Wesley Spectrum provided therapy and services for children with Autism. Medical Office is a conditional use in the Route 19 Boulevard (RB) Zoning District. The hours of operation for the facility are 8:00 am - 8:00 pm Monday - Friday and 8:00 am - 4:00 pm Saturday. Ms. Zimsky noted that on May 3, 2016, the Planning Commission unanimously recommended approval. Ms. Zimsky detailed to the Board a potential concern with parking due to a large amount of vehicles dropping kids off at one time.

Ms. Zimsky does not believe that there will be a parking issue, but alternative parking solutions were discussed. Mr. Madigan stated assuming this plan gets approved, make it a point to make owner of the property aware that should a parking issue develop, it may have an impact on the remaining space and parking and Wesley Spectrum may be required to alter their programming times, so that there are no parking conflicts. Since there was no objection, further questions or comments regarding the conditional use, Mr. Madigan closed the public hearing at 7:45 pm.

Consideration - Mr. Madigan made a motion to approve the conditional use as proposed. Mr. Edwards moved to approve, seconded by Mr. Candek; vote in favor was unanimous [3-0].

8b. Public Hearing - Pinewood Place Enterprise Car Rental; [Conditional Use] CU 16-02; Route 19 and Harmony Drive, plans dated 3/15/2016; deadline: 5/16/2016 – Mr. Madigan opened the public hearing at 7:46 pm. Heidi Hawk of Adelman Reporters swore in those wishing to testify. Mr. Baumiller included in the record as Exhibit A, Township Zoning Ordinance and Map; Exhibit B, Conditional Use Application; Exhibit C, Legal Notice and Proof of Publication and Posting for this hearing; Exhibit D, Planning Commission Recommendation and Minutes; Exhibit E, Zoning Hearing Board Variances referenced by Ms. Zimsky, which are also referenced in the application materials; Exhibit F, Land Development Plan; and Exhibit G, Staff Review Memos and any responses from the Applicants.

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 stated the applicant is seeking a conditional used approval to operate an Enterprise Car Rental facility property adjacent to the Pinewood Corporate Park. Car rental is listed as part of the Township's automobile sales definition. Automobile sales is a conditional use in the Route 19 Boulevard (RB) Zoning District. The developer has submitted a land development plan for the construction of the building and parking lot. Short discussion took place regarding not wanting sales of vehicles from this development. The Board is in opposition to the notion that they would be approving this for any use as an auto sales facility in the future. Mr. McFadden questioned Mr. Baumiller the conditional use that would be granted by the Board, will it be for Automobile Rental or Automobile Sales. Mr. Baumiller responded this use falls under the definition of Automobile Sales, but you could place a condition that because of the variances granted specifically because this is going to be a rental facility that the use will be a rental facility. Ms. Zimsky added that was also a condition placed on approval of the Zoning Hearing Board. Since there was no objection, further questions or comments regarding the conditional use, Mr. Madigan closed the public hearing at 8:05 pm.

Consideration - Mr. Madigan reiterated the condition that any approval would be limited to the specific use as a rental facility and note that it would be our express opposition to the notion that we would be approving this for any use as an auto sales facility in the future. Mr. Madigan recommended a motion. Mr. Candek moved to approve the conditional use limiting the development to specific use of a rental facility and not for any use of an auto sales facility and subject to the conditions referenced in Ms. Zimsky's memo dated June 2, 2016, seconded by Mr. Edwards; vote in favor was unanimous [3-0].

8c. Pinewood Place Enterprise Car Rental; [Site Plan/Land Development] SP(LD)16-03; Route 19 and Harmony Drive, plans dated 3/15/2016; deadline: 7/5/2016 - Ms. Zimsky noted that this plan is for the development of an Enterprise Car Rental at Pinewood Corporate Park. Car rental is included in the Township's definition of Automobile Sales and is a conditional use in the Route 19 Boulevard (RB) zoning district. Discussion of the site plan took place during the conditional use hearing [see CU transcript]. Mr. Candek made a motion to approve the site plan as presented, and subject to the conditions referenced in Ms. Zimsky's memo dated June 2, 2016, seconded by Mr. Edwards; vote in favor was unanimous [3-0].

8d. Guardian Protection Parking Lot Expansion; [Site Plan/Land Development] SP(LD)16-04; 174 Thorn Hill Rd., plans dated 4/12/2016; deadline: 7/18/2016 – Ms. Zimsky indicated this plan proposes a 48 space parking lot expansion at the Guardian Protection facility at 174 Thorn Hill Road. The proposed development is located in the Planning Industrial Park (PIP) zoning district. This application was before the Planning Commission on May 3, 2016 and they unanimously recommended approval. Ms. Zimsky indicated there are no waivers and there were no variances being sought. She did call the Board's attention to a letter received from Trans Associates dated May 31, 2016. There has also been some discussion in the past and Mr. Bitz has been very active in bringing it up in the past regarding parking lot expansions and essentially expanding parking lots bringing more cars and if there a way to collect impact fees. A representative of Guardian Protection, Mr. Hager, approached the Board and wanted to make the Board understand that the additional parking spaces being added are not for an increase in staff. Currently, they have a parking issue in that they do not have enough parking and people are parking in the isles, they are parking in the grass. They are adding these extra spaces to accommodate the current employees, the current trips that are happening. Mr. Bob Goetz of Trans Associates approached the Board and mentioned they were asked to take a look at the increase in trips based on the number of employees in the building. In 2005, the Board, at the time, approved the Impact Fee Ordinance, so we used 2005 as a base year. Based on information we were given at that time, 74 Thorn Hill Road had about 300 employees. Mr. Madigan stated there has been an increase in the number of employees since then. Mr. Goetz stated currently, there are about 500 employees with a net increase of 200 employees. We came up with 92 additional PM peak hour car trips during a week day. Mr. Madigan questioned if Trans Associates looked at the intersections impacted. Mr. Goetz responded no. Mr. Madigan stated if you are doubling employees, the number of trips are doubling. Mr. Christian Jamison, solicitor for Guardian Protection approached the Board to detail the reasoning for the parking lot expansion and explained why he believes a traffic impact fee is not warranted. After lengthy discussion, Mr. Jamison stated the Township does not have the legal authority to impose impact fees in this circumstance because it is not a development. Mr. McFadden stated that the Township can request a contribution from the Applicant to the Traffic Impact Fund; the fact of the matter is that Marshall Township will spend a total of \$600,000 in capacity improvements in the Thorn Hill Industrial Park last year and this year of Township funds. Mr. Madigan requested the developer consider a contribution toward the Traffic Impact Fund and reiterated this is strictly a request and not attached as a condition of approval. Mr. Jamison stated he is not authorized to make that decision right now. Mr. Candek stated that, assuming we are going to vote on this, I would vote favorably if the 9 spaces on the south end of the parking lot are eliminated to preserve more trees in that area. Mr. Madigan presented three options to the Applicant: They can agree to the requests and ask to vote on the plan this evening; They can ask to consider the requests and ask us to table the plan and come back and

give us your answer; Or, they can say we want the Board to vote on it tonight as submitted. It is the Applicants choice and whichever one of those options you choose, the Board will judge the plan on its merits and the plan will be voted on in accordance with the requirements of our ordinances. The applicant indicated they need to go back and talk with the Executives with regards to the contribution. Mr. Jamison questioned if the application meets all the requirements for final approval. Ms. Zimsky responded yes. The Developer requested to table to the June 27, 2016 Agenda Meeting . Mr. Madigan made a motion to table this plan to June 27, 2016. Mr. Edwards moved to approve, seconded by Mr. Candek; vote in favor was unanimous [3-0].

8e. Venango Trails 16th Amendment; [Fast Track Subdivision] SUB-FIN16-09; Chilliwack Lane, Venango Trail Plan No. 5, plans dated 4/28/2016; **deadline: 7/27/16** – Ms. Zimsky indicated the proposed plan is a subdivision along the party walls of the NRV (Heartland Homes) paired units being constructed on Lots 332 R, 333R, and 334 R-1, 334 R-2. Mr. Madigan made a motion to approve conditioned upon the comments in Ms. Zimsky's and Mr. Gazdik's joint memo dated June 2, 2016. Mr. Candek moved to approve, seconded by Mr. Edwards; vote in favor was unanimous [3-0].

9. New Business

9a. Waters at Marshall. Resolution for Sewerage Planning Module Approval. Motion – Mr. McFadden stated this is a Planning Module/Resolution No. 894 in need of Chairman's signature. Mr. Edwards made a motion to approve Chairman's signature on Resolution No. 894, seconded by Mr. Candek ; vote in favor was unanimous [3-0].

9b. Proposed Appointment of the North Hills Council of Government for Administration of GEDF Grant (Brush Creek Turning Lane.) Motion – Mr. McFadden stated this is a proposed appointment of the North Hills Council of Government for Administration of the GEDF Grant for the Brush Creek turning lane. This was at the suggestion of the Engineer. He had worked through the COG on a GEDF grant when he was at Ross Township and found their services to be valuable. The COG has a working relationship with the County as far as meeting the requirements of the grant. So, they would work with the municipality and the Project Engineer to complete the bid package, issue any addendums to the spec, change orders as needed, issuance of the award letter, and notice to proceed letter. They would be the conduit between the Township and the County for the grant. For that, they would charge a fee of \$3,500. I need approval for that. Mr. Madigan made a motion to approve the appointment of the NHCOC as our representative for administration of the GEDF grant. Mr. Candek moved to approve, seconded by Mr. Edwards; vote in favor was unanimous [3-0].

9c. Variance Request for Marshall Village: Marshall Village; SP(LD) [Site Plan/Land Development] 16-05; Fowler Road and Maple Drive., plans dated 4/12/2016; **deadline: 7/18/2016** – Mr. Madigan stated this is a variance request asking the Board to take a position before the Zoning Hearing Board. This applicant, Marshall Crossing Development Partners is seeking the following variances for relief from the Marshall Township Zoning Ordinance:

- Relief from the requirement that there be no parking between a public street and the principal building. [Section 208-1005.C.2.]; and
- Relief from the requirement that sixty percent of the horizontal length of the structure facing the street shall incorporate windows between three feet and eight feet in height

above the sidewalk grade. [Section 208-1005.B.2.].

This application is for property located adjacent to Fowler Road, Northgate Drive and Perry Highway; Allegheny County lot and block number 1999-P-1. The property is in the Route 19 Boulevard (RB) zoning District. Mr. Madigan stated the Board is in support of the variance requests based upon there not being a visible service area in the rear of the building and approval be tied to the submitted plan.

9d. Resolution. Rohrich Bentley, Sidewalk Maintenance Agreement. Motion to Adopt – Mr. McFadden stated this is a resolution for Rohrich Bentley for the Sidewalk Maintenance Agreement. Mr. Baumiller stated PennDOT is actually going to construct a sidewalk directly in front of new Bentley dealership on Route 19 because it is in the PennDOT right-of-way. In order for PennDOT to construct the sidewalk, they require as part of the Sidewalk Maintenance Agreement that the Township enters into with PennDOT that we pass a resolution approving an agreement. This would be Resolution No. 895. Mr. Madigan made a motion to approve. Resolution No. 895 permitting the Township to enter into the Sidewalk Maintenance Agreement with PennDOT. Mr. Candek moved to approve, seconded by Mr. Edwards; vote in favor was unanimous [3-0].

10. Correspondence

10a. From Armstrong Utilities, Inc. - Request for Renewal of Cable Franchise Agreement (Expires April 2019) – Mr. McFadden stated this request is to advise the Township that the cable franchise renewal is approaching. The current agreement expires April, 2019, so they want us to enter into the informal process. Mr. McFadden will discuss this with fellow COG members who are also Armstrong customers.

11. Seminars

None.

ADJOURN

Since there was no further business to come before the Board, at 9:15 pm, the meeting adjourned. Motion by Mr. Candek, seconded by Mr. Edwards; vote in favor was unanimous [3-0].

Respectfully submitted,

Sheryl Snyder
Township Secretary