

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

**MINUTES
July 11, 2016 7:00 PM**

The following persons were present:

SUPERVISORS:	Thomas Madigan, Chairman Philip Troy, Vice Chairman Anthony (Jack) Candek (Absent) Jason Bragunier Robert (Bob) Edwards
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 7:00 p.m.
2. Pledge of Allegiance - All rose to recite the Pledge of Allegiance.
3. Public Comment
 - 3a. Fairmont Square, Request for Residential Occupancy – Mr. McFadden stated this is a request for grant of residential occupancy permits for the residential development. In January, when the plan was passed, the Board placed a condition on the plan. The intent was to assure that this plan would be developed as a Traditional Neighborhood development in that it had both residential and commercial elements to it. So, there was a condition placed on the plan that prior to any residential occupancy there had to be construction and actual occupancy of at least one commercial building. During the course of development, a deal with one of the initial commercial tenants fell through. In the meantime, the residential development has started up to the point where four units are complete and ready for occupancy at the present time. The commercial footprint of the development has been recently sold. Matt Cramer with Alphaville approached the Board and reiterated the initial concern of the Board at that time was that the commercial would never be built and that the developer was only looking to develop residential and wouldn't build the commercial. As they got further into the plan, they realized that was not their expertise. So, they put the commercial parcel on the market and a commercial developer purchased it last December. They figured it was better for the plan itself that somebody with that expertise take over. After lengthy discussion about the sale, construction and future occupancy of the commercial aspect of the plan and reassurances from the new

developer that it will remain a commercial use and not a residential use, the Board decided to grant a limited number of occupancy permits for the residential development until the commercial development receives occupancy. Mr. Madigan recommended a motion. Mr. Bragunier made a motion to grant Fairmont Square up to 25 occupancy permits, so they can move forward with the project. Mr. Madigan reiterated there is a motion to grant a requested relief from the condition of the prior approval to allow for the grant of up to 25 occupancy permits in advance of the construction or approval of the site development plan for commercial, seconded by Mr. Edwards; vote in favor was unanimous [4-0].

4. Consent Agenda

4a. Minutes

Regular Meeting (June 6, 2016) – No corrections or additions were made.

Agenda Meeting (June 27, 2016) – No corrections or additions were made.

4b. Expenditures

Month of June 2016 – No corrections or additions were made.

4c. Announcements – None.

4d. Reports

Police – Written report submitted.

Police Board Liaison – Mr. Bragunier reminded everyone that with summer upon us to make sure that if you park your car in the driveway or on the street, to please lock your doors.

There have been some break-ins in cars that have been left unlocked.

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 mentioned that Ms. Jerry has proposed September 14,

2016 to have a public meeting concerning the plans for Altmyer Park. Mr. Madigan

questioned if there is going to be something for people to see at Community Day. Mr.

Edwards responded yes. The idea is to have a new site plan, a drawing of the renovated

barn and then some facts about the funding and the potential uses of the barn to be part of

that handout. A survey will be available to assess whether people support the plan or not.

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 stated that a prebid meeting is scheduled tomorrow for the construction of the right turn lane at the Thorn Hill intersection. The bid opening is scheduled for the July 15, 2016.

Mr. Madigan recommended a motion to approve all items on the Consent Agenda as submitted/amended. Mr. Troy moved to approved, seconded by Mr. Edwards; vote in favor was unanimous [4-0].

5. Engineer's Report

- Bond Status
 - Rohrich Bentley Bond Reduction Request #2 – Mr. Gazdik stated this bond reduction request is per the revised Developer's Agreement. This request is amending the original amount on file. This second reduction in the amount of \$212,486.40 will get to the new required bond amount of \$1,315,359.20. Mr. Gazdik recommends approval of this reduction contingent upon the payment of all current fees owed to the Township or its agents, a contribution to the Grading Escrow in the amount of \$800.00, and the execution of the revised Developer and Stormwater Management Agreements. Mr. Madigan made a motion to approve reduction request #2 contingent upon the payment of all current fees owed to the Township or its agents, a contribution to the Grading Escrow in the amount of \$800.00, and the execution of the revised Developer and Stormwater Management Agreements. Mr. Bragunier moved to approve, seconded by Mr. Edwards; vote in favor was unanimous [4-0].
 - Guardian Storage Bond Reduction Request #1 – Mr. Gazdik certified that the work for which the security reduction has been requested has been satisfactorily completed and recommends approval of this reduction request in the amount of \$37,947.00 contingent upon the payment of all current fees owed to the Township or its agents. This reduction would leave a remaining balance of \$30,250.00. Mr. Madigan made a motion to approve this reduction request contingent upon the payment of all current fees owed to the Township or its agents. Mr. Troy moved to approve, seconded by Mr. Edwards; vote in favor was unanimous [4-01].
- 2016 Road Project(s) – Mr. Gazdik briefly reported on the paving program. There have been some discussions with Youngblood that a project schedule has not been received as of yet. Youngblood has been informed of the contractual requirements and penalties.

6. Legal Matters

Mr. Lucas indicated he had one legal matter to discuss with the Board in Executive Session.

7. Unfinished Business

None.

8. PLANS

8a. PUBLIC HEARING - 14010 Perry Hwy. Auto Dealer Plan (Tesla); CU 16-01 [Conditional Use]; 14010 Perry Highway, plans dated 3/15/2016; deadline: 8/16/2016 – Mr. Madigan opened the public hearing at 7:43 p.m. Heidi Hawk swore those in wishing to testify. Mr. Lucas included for the record: Zoning Ordinance and Map, Conditional Use Application and associated materials, the Land Development Application and Plans, Public Notice of the Conditional Use Hearing, the Posting of the Property, the Staff Comment Letters from Ms. Zimsky and Mr. Gazdik and any responses to those and the Planning Commission Meeting Minutes containing the recommendation on the plans.

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 conditional use approval to operate an automobile sales use at 14010 Perry Highway. This is the former Ethan Allen Furniture building. This is proposed to be a Tesla Automobile dealership. The developer has submitted a land development plan as Tesla requires some additional parking spaces than are currently on the site. The property is located in Route 19 Boulevard (RB) Zoning District. This application was before the Planning Commission on June 7, 2016 and received a unanimous vote for a recommendation of approval. Staff has no concerns regarding the use as there are multiple automobile dealerships in this particular area. The plan meets all of the conditions as outlined in the Ordinance for Indoor Storage. They have agreed to no outdoor loud speakers and will dim the lights to at least 50% in the evening. Automobile Sales is a conditional use in the RB District. The applicant is seeking no variances or modifications.

Mr. Madigan closed the public hearing at 8:03 p.m.

Consideration - Mr. Madigan recommended a motion for approval. Mr. Bragunier made a motion to approve the conditional use application for automobile sales only and limited to accessory and ancillary items and excluding the retail sales of battery walls. Approval is also conditioned upon comments in Ms. Zimsky's memo dated July 7, 2016, seconded by Mr. Troy; vote in favor was unanimous [4-0].

8b. 14010 Perry Hwy. Auto Dealer Plan (Tesla); SP(LD)16-02 [Site Plan/Land Development]; 14010 Perry Highway, plans dated 3/15/2016; deadline: 8/16/2016 – Ms. Zimsky stated this plan is a parking lot expansion at the former Ethan Allen Furniture store on Perry Highway. The proposed use of the property is for a Tesla car dealership. The 32-space parking lot expansion is a Tesla parking requirement. The Property is located in the Route 19 Boulevard (RB) District. Automobile sales is a conditional use within the district and the conditional use application has been submitted. This would be one of five stores in the state of Pennsylvania. This plan was before the Planning Commission on June 7, 2016 and received a unanimous recommendation for approval. The applicant is seeking no modifications or variances. Staff has no comments other than the standard solicitor

comments with the exception of any approval of the land development does not include approval of signage. Mr. Madigan made a motion to approve the site development plan subject to the conditions in Ms. Zimsky's memo dated July 7, 2016 and Mr. Gazdik's memo dated July 7, 2016. Mr. Troy moved to approve, seconded by Mr. Bragunier; vote in favor was unanimous [4-0].

8c. Marshall Village; SP(LD)16-05 [Site Plan/Land Development]; Fowler Road and Maple Drive., plans dated 4/12/2016; deadline: 7/18/2016 – Ms. Zimsky indicated the applicant is seeking a land development approval to construct a 13,600 SF retail center at 110 Northgate Drive. The property sits next to Labriola's Italian Market and will be accessed by Fowler Road. The property is zoned Route 19 Boulevard (RB) District and is located in the Corridor Enhancement Overlay District. This application was before the Planning Commission on May 3 and May 16, 2016. Planning Commission recommended approval of the plan [4-1]. Mr. Madigan questioned what the basis was for the one opposition. Ms. Zimsky responded a member of the Planning Commission believed that the building was too large for this site. Ms. Zimsky mentioned that the applicant received two variances, which was before the Board of Supervisors last month to get feedback on before going to the Zoning Hearing Board. Those variances were approved by the Zoning Hearing Board. This is a restaurant/take out beer retailer. On-site parking meets the requirements for retail and it meets the requirements for restaurant. This development exceeds the parking requirement with 12 additional stalls. The applicant is seeking a modification this evening. There is a stream on the site and an area of wetlands on the site. The subdivision ordinance Section 174-603C says there shall be no disturbance permissible within 25 feet of the edge of any flowing stream or wetland. They are seeking a modification from that requirement. They are not impacting the stream or wetland itself, just the 25 foot buffer. Mr. Troy questioned how close are they getting. Ms. Zimsky responded the stream is approximately 5 feet and the wetlands, with DEP approval want to put a sidewalk in that area. With this application, approval of a land development does not mean that they receive approval for signage. That is through a separate permitting process. Trans has determined the impact fee that will be due at the time of building permit and developer has been made aware of that fee.

Mr. Madigan recommended a motion for approval of the modification. Mr. Troy made a motion to approve the modification as described by Ms. Zimsky and comments in her memo dated July 7, 2016, seconded by Mr. Mr. Edwards; vote in favor was unanimous [4-0].

Mr. Madigan made a motion to approve plan subject to compliance with the conditions set forth in Ms. Zimsky's memo dated July 7, 2016 and conditioned on the issuance of any zoning occupancy permit shall be conditioned on the applicant establishing that the aggregate uses of the property comply with the zoning ordinances off street parking requirements. Mr. Troy moved to approve, seconded by Mr. Edwards; vote in favor was unanimous [4-0].

8d. FAST TRACK - Venango Trails 17th Amendment; SUB-FIN16-10 [Subdivision]; Chilliwack Lane, Venango Trail Plan No. 5, plans dated 5/16/2016; **deadline: 8/15/2016** – Ms. Zimsky indicated this proposed plan is a subdivision along the party walls of the NRV (Heartland Home) paired units being constructed on Lots 441R, 442R, and 449R of the Venango Trails Development. Mr. Madigan made motion to approve. Mr. Troy moved to approve conditioned upon the comments in Ms. Zimsky's and Mr. Gazdik's joint memo dated July 7, 2016, seconded by Mr. Bragunier; vote in favor was unanimous [4-0].

8e. FAST TRACK - Village at Marshall Ridge lot 24 Revised; SUB-FIN16-11 [Subdivision] ; Bell Drive, plans dated 5/11/2016; **deadline: 8/10/2016** – Ms. Zimsky stated this proposed plan is a subdivision along the party walls of the Ryan Townhouses being constructed on Lot 24 (New Lots 936, 938, 940 and 942) of the Village at Marshall Ridge Development. Mr. Madigan made a motion to approve conditioned upon the comments in Ms. Zimsky's and Mr. Gazdik's joint memo dated July 7, 2016. Mr. Troy move to approve, seconded by Mr. Edwards; vote in favor was unanimous [4-0].

8f. FAST TRACK - Village at Marshall Ridge Lot 31 Revised; SUB-FIN16-13 [Subdivision], Bell Drive, plans dated 6/4/2016; **deadline: 9/6/16** – Ms. Zimsky mentioned this proposed plan is a subdivision along the party walls of the Ryan Townhouses being constructed on Lot 31 (New Lots 909, 911 and 913). Mr. Madigan made a motion to approve conditioned upon the comments in Ms. Zimsky's and Mr. Gazdik's joint memo dated July 7, 2016. Mr. Troy moved to approve, seconded by Mr. Edwards; vote in favor was unanimous [4-0].

8g. FAST TRACK - The Lewis E. Etter Trust Lot Line Rev. Plan No. 1; SUB-FIN 16-12 [Subdivision]; Rt. 19 and Harmony Road, plans dated 5/23/2016; **deadline: 9/21/16** – Ms. Zimsky indicated this proposed plan is a lot line adjustment to the original Lewis E. Etter Trust Plan of Lots. The properties are located between Warrendale Bayne Road and Harmony Drive in the Township's Route 19 Boulevard (RB) zoning district. As this plan is a lot line adjustment it qualifies for a fast-track approval. Ms. Zimsky noted that they revised the sanitary sewer easement as requested by Mr. Gazdik and MTMSA. Mr. Madigan made a motion to approve lot line revision. Mr. Troy moved to approve conditioned upon the comments in Ms. Zimsky's and Mr. Gazdik's joint memo dated July 7, 2016, seconded by Mr. Edwards; vote in favor was unanimous [4-0].

9. New Business – None.

10. Correspondence – None.

11. Seminars - None.

12. Executive Session – The Board convened at 8:39 p.m. for a brief executive session to discuss one personnel matter and one legal matter. Upon return to public session, Mr. Madigan recommended a motion to direct the Manager to post an advertisement for the hiring of a Finance Director. Mr. Edwards moved to approve, seconded by Mr. Bragunier; vote in favor was unanimous [4-0].

ADJOURN

Since there was no further business to come before the Board, at 9:10 p.m., the meeting adjourned. Motion by Mr. , seconded by Mr. ; vote in favor was unanimous [4-0].

Respectfully submitted,

Sheryl Snyder
Township Secretary

UNAPPROVED