

**O'HARA TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES
APRIL 16, 2007
7:30 P.M.**

The Planning Commission met on April 16, 2007 in the Township Municipal Building, 325 Fox Chapel Road, at 7:30 p.m. for its regular meeting. The meeting was brought to order and preceded as outlined on the agenda.

Present: Edward Crates, Vice-Chairperson; W. Cleland Dowler, Jr., Secretary; John J. Claus, Third Ward; Ronald L. Flucker, First Ward; Joseph Zgurzynski, At-Large, Joseph Kelly, At-Large

Absent: Judith Spray, Chairperson

Staff: Eric Tissue, P.E., KLH Engineers, Inc.; Cathy Bubas, Recording Secretary

SUMMARY OF AGENDA ITEMS:

I. CALL TO ORDER

II. OLD BUSINESS

- A. O'Hara Capital Partners
Application for Preliminary Land Development Approval
Construction of a Three-Story Office Building

III. NEW BUSINESS

- A. James P. Wright Property
Berman-Wright Plan of Lots
Preliminary Subdivision Approval

IV. APPROVAL OF MINUTES

- A. Approval of March 19, 2007 Minutes

V. OTHER BUSINESS

VI. ADJOURNMENT

I. CALL TO ORDER

Vice-Chairman Crates called the meeting to order at 7:35 p.m. and explained meeting procedures.

II. OLD BUSINESS

- A. O'Hara Capital Partners
Application for Preliminary Land Development Approval
Construction of a Three-Story Office Building

Vice-Chairperson Crates noted the applicant has requested a 30-day extension. Therefore, the application remains tabled.

III. NEW BUSINESS

- A. James P. Wright Property
Berman-Wright Plan of Lots
Preliminary Subdivision Approval

Mr. Eric Tissue, P.E., KLH Engineers, Inc, Consulting Township Engineer, read the engineering and zoning reports, which are attached and made a permanent part of these minutes.

It was noted the address listed on the application is 615 and does not match the address indicated on the plan drawing; a total of three properties are involved, but only two lot-and-block numbers are indicated on the drawing and one lot-and-block number is listed on the application; a variance may be necessary as the Township Zoning Ordinance requires a minimum lot size of 20,000 s.f. and the newly created lot is less than the minimum required. Mr. Tissue suggested the intent of the ordinance requirement be determined.

Mr. David Berman, owner of 617, indicated the addresses are mixed up. The two-story brick property is 613. Vice-Chairperson Crates clarified the Wrights own the lot between 613 and 617.

Vice-Chairperson Crates noted since the lot is not being made more non-conforming, a variance might not be required, and recommended obtaining a legal opinion from the Township Solicitor.

Mr. Flucker noted the argument that the lot currently exists and was approved as is, adding to the lot has nothing to do with the ordinance. Vice-Chairperson Crates stated the lot predates the ordinance.

Vice-Chairperson Crates suggested placing a notation on the plan indicating the one lot is non-buildable, since it does not meet the minimum lot requirement of the Zoning Ordinance. Mr. Berman explained the intent is to place the 613 property on the market for sale. Vice-Chairperson Crates explained the need for the Solicitor's opinion, noting the possibility of a variance may be required.

Mr. Tissue clarified the application before the Planning Commission is for preliminary subdivision approval, and the Solicitor's opinion could be a condition of approval.

Mr. Zgurzynski informed Mr. Wright that the house number is not visible from the street, which would be helpful in the event of an emergency. Vice-Chairperson Crates also stated Township Ordinance requires house numbers to be clearly visible.

Motion by Mr. Zgurzynski, seconded by Mr. Claus, to recommend approval of the plan subject to review and approval of the Township Solicitor, carried unanimously.

Vice-Chairperson Crates and Mr. Tissue explained the preliminary approval and final approval processes.

Mr. Tissue inquired if Planning Commission preferred a second condition of approval requiring the notation on the subdivision plan that the lot is unbuildable.

Mr. Flucker did not think such a condition would be necessary since Lot 20 would be consolidated between the other two properties, and no longer exist. Mr. Dowler noted the consolidated lot still would be noncompliant because it would not consist of 20,000 s.f. as required by the Zoning Ordinance.

Mr. Zgurzynski stated the notation would clarify the drawing. Vice-Chairperson Crates suggested a second condition that the Solicitor reviews the necessity of the notation to ensure there would be no future building on that lot.

Motion by Mr. Kelly, seconded by Mr. Dowler, to add a second condition requiring the Solicitor's review and approval relative to a notation on the subdivision plan indicating the lot is nonbuildable, carried unanimously.

IV. APPROVAL OF MINUTES

A. Approval of March 19, 2007 Minutes

Mr. Zgurzynski inquired if information concerning the storage tanks discussed at the March meeting had been received. Mr. Tissue was not aware if the information had been received, but would follow up with the Zoning Officer.

Mr. Zgurzynski questioned if the electromagnetic information relative to FCC regulations had been received from Clearwire Corporation as requested. Mr. Tissue stated the information had not been received, but a representative from Clearwire Corporation attended the Council meeting, and is aware of the information requested.

Motion by Mr. Flucker, seconded by Mr. Zgurzynski, to approve the March 19, 2007 Minutes as presented, carried unanimously.

V. OTHER BUSINESS

Mr. Tissue indicated the May Planning Commission meeting would be the last opportunity for O'Hara Capital Partners to provide the information requested before the application is officially rejected.

Vice-Chairperson Crates requested the Planning Commission receive copies of the Solicitor's opinion relative to the Berman-Write subdivision application.

VI. ADJOURNMENT

Motion by Mr. Kelly, seconded by Mr. Dowler, to adjourn the meeting, carried unanimously. The Planning Commission meeting adjourned at 7:54 p.m.

W. Cleland Dowler, Jr.
Secretary

Attachments