

**O'HARA TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES
OCTOBER 15, 2007
7:30 P.M.**

The Planning Commission met on October 15, 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: Judith Spray, Chairperson; W. Cleland Dowler, Jr., Secretary; John J. Claus, Third Ward; Joseph Zgurzynski, At-Large

Absent: Edward Crates, Vice-Chairperson; Ronald L. Flucker, First Ward; Joseph Kelly, At-Large

Staff: Charles W. Steinert, Jr., P.E., Township Engineer; Cathy Bubas, Recording Secretary

SUMMARY OF AGENDA ITEMS:

I. CALL TO ORDER

II. NEW BUSINESS

- A. JC Penney – Application for Minor Subdivision Approval
- B. Provident Agency Parking Addition – Application for Minor Land Development Approval
- C. Charles and Gladys Jones – Application for Minor Subdivision Approval
- D. Paul Iurlano – Application for Minor Subdivision Approval
- E. John R. Miller (Fox Hall) – Application for Minor Land Development Revision

III. APPROVAL OF MINUTES

- A. September 17, 2007

IV. OTHER BUSINESS

V. ADJOURNMENT

I. CALL TO ORDER

Chairperson Spray called the meeting to order at 7:35 p.m. and explained meeting procedures. She noted Mr. Kelly was unable to attend the meeting.

II. NEW BUSINESS

A. JC Penney – Application for Minor Subdivision Approval

Ms. Amy Hopkins was in attendance representing the applicant.

Township Engineer Charles W. Steinert, Jr., P.E. read the engineering report and noted there were no zoning issues. The reports are attached and made a permanent part of these minutes.

Ms. Hopkins, of National Survey and Engineering, explained JC Penney owns both parcels and wants to subdivide to include the parking area with the larger parcel in order to provide the required parking in the event the one property is sold in the future.

Mr. Zgurzynski questioned if the walkway from the parking lot to the lower building would be maintained. Ms. Hopkins stated that had not been addressed.

Motion by Mr. Dowler, Jr., seconded by Mr. Zgurzynski, to recommend approval of the application as submitted, carried unanimously.

B. Provident Agency Parking Addition – Application for Minor Land Development Approval

Mr. Michael Lenn, of HRG, was in attendance representing the applicant.

Mr. Steinert, Jr., P.E. reported. The engineering and zoning reports are attached and made a permanent part of these minutes.

Chairperson Spray stated she visited the site on Saturday. She questioned the location of the water line on the plan. Mr. Lenn noted the locations of the fire hydrant and the water box, which avoids all existing underground utilities. Chairperson Spray confirmed the water line would be paved over. Mr. Steinert, Jr., P.E. indicated the water authority should be informed of the proposed paving.

Mr. Lenn referenced the existing facility and parking, and the plan proposes additional parking spaces and access from the rear and from Alpha Drive. Some fill would be placed on the edge of an existing depression on the site.

Mr. Dowler, Jr. questioned the height of a proposed retaining wall. Mr. Lenn stated the maximum height of the retaining wall would be 8'. Mr. Dowler, Jr. noted the lack of details and design for the wall.

Mr. Zgurzynski inquired of periodic maintenance of the underground stormwater detention basin, which Mr. Lenn referenced a maintenance plan and noted maintenance is the owner's responsibility. A trash rack is provided to catch debris, which would be cleaned seasonally.

Chairperson Spray reviewed the following conditions of approval:

1. The Erosion and Sedimentation Control Plan shall be submitted for review and approval by the Township Engineer.

2. The life expectancy of the detention facility shall be approved by the Township Engineer.
3. Additional screening shall be added to the landscape plan around the parking addition to the satisfaction of the Township Engineer.
4. The addition of a planting strip in accordance with 72.14.115.E. of the Zoning Ordinance, approved by the Township Engineer.
5. The design of the retaining wall should it exceed 6' in height, shall include a seal of a structural engineer, and approved by the Township Engineer.
6. The maintenance plan of the stormwater facility shall be approved by the Township Engineer.

Motion by Mr. Dowler, Jr., seconded by Mr. Zgurzynski, to recommend approval of the plan subject to the above stated conditions, carried unanimously.

C. Charles and Gladys Jones – Application for Minor Subdivision Approval

Mr. Lee Miller was in attendance to represent the applicants, who are living in Wisconsin. He noted the history of the family-owned properties whereby Mr. Jones inherited the lots either by death or purchase. Mr. Jones desires to move the southerly line of the Charles Jones residence property so that the sideline is in compliance with the Township sideline requirements. The remaining lots would be consolidated as one lot to be sold.

Mr. Steinert, Jr., P.E. reported. The engineering and zoning reports are attached and made a permanent part of these minutes.

Mr. Zgurzynski inquired if the new lot line would cross any existing driveway? Mr. Miller noted a 50' right-of-way in the middle was abandoned.

Motion by Mr. Zgurzynski, seconded by Mr. Claus, to recommend approval of the application as presented, carried unanimously.

D. Paul Iurlano – Application for Minor Subdivision Approval

Mr. Steinert, Jr., P.E. reported. The engineering and zoning reports are attached and made a permanent part of these minutes.

Mr. Iurlano explained the three lots are to be reconfigured to possibly construct a utility shed in the future in the "L" shaped course by obtaining the necessary variances for rear and side-yard setbacks. Mr. Iurlano currently occupies the house located on Lot 2, intends to retain Lot 3, and sell Lot 1.

Chairperson Spray referenced the Township Zoning Ordinance and Subdivision and Land Development Ordinance concerning the creation of irregular shaped lots. She expressed concern of creating an irregular shaped lot without justifiable reason.

Chairperson Spray inquired if Mr. Iurlano was in a hurry to subdivide the parcels. Mr. Iurlano explained he would like to have Lot #3 on the sales market before year-end.

Discussion followed pertaining to building a large accessory structure on lot 1, which would also require a main structure on the lot.

Chairperson Spray requested staff research the ordinance for any other reference beside the one on page 34 of the Subdivision and Land Development Ordinance with regard to irregular shaped lots so that Planning Commission has definitive guidance.

Mr. Iurlano acknowledged that the Planning Commission had concerns with the proposed plan. Mr. Zgurzynski explained if Mr. Iurlano were to change the “L” shape tonight, Planning Commission could recommend approval to Council with that condition.

Planning Commission, Mr. Iurlano, and Mr. Steinert, Jr., P.E. presented other possibilities of reconfiguring the lot so that Mr. Iurlano could sell Lot 1, and build an accessory structure, while allowing for a future subdivision if conditions change.

Mr. Iurlano agreed to reconfigure lot lines as suggested by Mr. Dowler, Jr., but adjust one of the lines so that the one lot would be exactly 20,000 s.f.

Chairperson Spray clarified a Lot 2 would be created that eliminates the lot lines shown in the rear of the house, and we are moving the rear lot line that is presently shown on Lot 3 toward the structure by 1 ½ feet. We’re creating a rectangular shaped lot 1 that fronts on Dorseyville Road. The Planning Commission’s recommendation for approval is based upon a revised plan being submitted to the Township Engineer that conforms to Planning Commission’s understanding.

Motion by Mr. Zgurzynski to approve the plan subject to the condition as stated, was seconded by Mr. Claus, and carried unanimously.

E. John R. Miller (Fox Hall) – Application for Minor Land Development Revision

Chairperson Spray noted the developer is proposing to construct a little cottage behind the primary residence at 703. The cottage would have a den or office or study, with a bathroom. It would not have a kitchen. It would not be suitable as an independent dwelling.

Mr. Steinert, Jr., P.E. recommended Fox Hall Homeowners’ Association review and approve the plan, and the purchase of an additional sewer tap.

Chairperson Spray questioned why the Township Engineer recommended the Homeowners’ Association approval. Mr. Steinert, Jr., P.E. explained the Homeowners’ Association approved this phase. Eleven structures were approved, and this would be an additional, auxiliary structure.

Chairperson Spray explained the Condominium Association Board became involved because three lots were taken away from Village 2 and built in Village 7, which transferred the monthly common fees from Village 2 to Village 7. The Condominium Association Board has no control over the developer in any portion of the condominium that has not yet been added to the condominium. At this point, the developer owns the land. However, Chairperson Spray offered to present the proposal to the board at a meeting scheduled for Wednesday.

Mr. Steinert, Jr., P.E. noted the Zoning Officer has recommended revising the Master Site Plan to reflect the additional structure.

Mr. Dowler, Jr. expressed concern of the cottage becoming a granny flat. Chairperson Spray noted difficulty in policing residency. However a condition of approval could be that this shall not be considered a permanent residence, to which Mr. Dowler, Jr. concurred.

Chairperson Spray noted the following conditions of approval:

1. The Master Site Plan must be approved.
2. The additional sewer tap must be purchased for this structure.
3. At no time will the cottage become a freestanding residence.
4. The plan will be presented to the Fox Hall Condominium Association Board.

Motion by Mr. Dowler, Jr., seconded by Mr. Zgurzynski, to recommend approval of the plan to Council subject to the stated conditions, carried unanimously.

III. APPROVAL OF MINUTES

A. September 17, 2007

Motion by Mr. Zgurzynski, seconded by Mr. Claus, to approve the subject minutes as presented, carried unanimously.

IV. OTHER BUSINESS

Chairperson Spray inquired if any applications had been received that would require the Planning Commission's review in November. Mr. Steinert, Jr., P.E. stated applications had not been submitted, but the cutoff date for submitting applications is Friday, October 19, 2007. If St. Joseph Church presents a sales agreement for the adjacent property, the Planning Commission may review the plan

Mr. Zgurzynski stated he was no longer a member of the St. Joseph Church Building Committee. Chairperson Spray recalled prior members of the Planning Commission have been very careful to avoid the appearance of a conflict of interest. However, insight is an advantage. Chairperson Spray compared her involvement with Fox Hall Condominiums. However, Chairperson Spray indicated if the Planning Commission members, or the Township Manager, have a different opinion, Chairperson Spray requested guidance in that regard.

V. ADJOURNMENT

Motion by Mr. Dowler, Jr., seconded by Mr. Zgurzynski, to adjourn the meeting carried unanimously. The meeting adjourned at 9:10 p.m.

W. Cleland Dowler, Jr.
Secretary

Attachments