

**BOROUGH OF GREEN TREE
PLANNING COMMISSION MEETING
JULY 14, 2010**

CALL TO ORDER / PLEDGE OF ALLEGIANCE

Green Tree Borough Council met on Wednesday, July 14, 2010 at 7:05 p.m. in the Sycamore Room of the Green Tree Municipal Center, 10 West Manilla Avenue, Pittsburgh, PA 15220.

ROLL CALL

Members Present:

Rino Lindsey, Chairman
Cheryl Bakin
Rebecca Chembars
Robert McWilliams

Also Present:

W. David Montz, Borough Manager & Zoning Officer
Deborah N. Gawryla, Stenographer

Absent:

Ed O'Donnell

SP-05-08

Applicant, SouthStar Development, requesting review of site plans for final approval of the development of City Vista at Parkway, a Planned Residential District (PRD) in the area formerly known as the Parkway Center Driving Range.

Mr. Firman, attorney from Tucker Law, Mr. Bill Brown from Oxford Development, Lynn DiLorenzo from SouthStar Development, and Mr. Aaron Richardson from Gateway Engineers were present to discuss the plans.

Mr. Montz stated that Council had granted tentative approval to the plan as required under the ordinance. The major concerns of Council at the time of approval were some outstanding traffic issues from the Borough's traffic engineer. Since then, Mr. Montz has met with the developers and both traffic engineers (Borough's and SouthStar's) to discuss those issues. The applicant is prepared to review the traffic issues as well as discuss some other items that need to be corrected.

Mr. Firman said that the most recent plan before Planning Commission was almost the exactly same plan that they reviewed and gave recommendation for tentative approval last month. He noted the access road that had been discussed at previous meetings is on the drawings and is now labeled "private." Mr. Firman said that they hoped to get a recommendation from Planning Commission for final approval. It would be subject to a developer's agreement.

Mr. Richardson stated that the following changes had been made to the drawings since Planning Commission's review last month: the amenity area has been reoriented, some adjustments have been made to the parking area, and the width of the buildings has grown slightly. An easement has been added from the end of the cul-de-sac to the entrance connection for ingress and egress. The Borough's traffic engineer recommended the elimination of the turning lane and keeping the intersection with the existing radius. Mr. Richardson said that this is not shown on the plan, but will be added. Mr. Montz said that the elimination of the turning lane was made as a result of a change in the island near the entrance to the loop. The traffic engineer felt that a turning lane would create confusion and be more difficult for snowplows to access. Mr. Richardson detailed some of the engineering refinements that were also made.

Mr. Lindsey asked if a second access to the development still existed. Mr. Richardson replied that a second access remains. Ms. Chembars asked why only a portion of the loop is dedicated and the rest of the loop is indicated as a private access easement on the subdivision plan and on plan C401. She expressed concern over the private access easement portion of the loop because the developer could get rid of that portion of the access in the future if it was private. Mr. Richardson replied that they have added in an easement to this portion of the loop so it is documented as an access easement from this point forward. The developers had always intended for the newly added portion of the loop to be a private drive and never intended for it to be dedicated to the Borough.

Ms. Chembars asked why the developers did not intend to dedicate that portion of the loop to the Borough. Mr. Montz said that the preliminary drawings that Planning Commission had recommended to Council included an incomplete loop. Ms. Chambers stated that at the last Planning Commission meeting when this plan had been discussed, the Commission had definitely recommended the plan with a loop and it had been discussed at length. Mr. Montz said that the drawings recommended by Planning Commission only had a road going to a cul-de-sac. Mr. Firman said that the connection had been on those drawings. Mr. Montz said that although the connection may have been on the plan, the public right-of-way did not cover the entire loop.

Ms. Chembars said that private portion of the loop had not been indicated on the plans until the current drawings before Planning Commission. One of the conditions of recommendation for tentative approval had been the incorporation of the loop onto the plan. Now that it has been added, the drawings show that the entire loop will not be public and will not be dedicated to the Borough. This information had not been shown nor presented prior to this meeting. Ms. Chembars felt that the Borough should have control and access over the loop for safety reasons. Mrs. Bakin agreed.

Mr. Firman stated that the access road is a bit steeper than what is normally provided. It is a good road for emergency access situations, but would not be good for regular traffic. Mrs. Bakin said that this was not the discussion that had taken place at previous Planning Commission meetings regarding the loop. She said the Commission had discussed the creation of a complete loop through the development. Whether the loop was private or public had not specifically been discussed, but the developers had given the Commission the impression that they would complete the loop to go the entire way around for traffic and emergency access and when the City of Pittsburgh portion of the development was built, vehicles would use the portion of the loop now indicated as private.

Mr. Montz said that the developers are providing a complete loop. Mrs. Baking replied that the Commission was led to believe that they had agreed to complete the loop with the intention that the entire loop would be a public street.

Ms. Chembars asked why the developers wanted to keep a portion of the loop as private instead of dedicating all of it to the Borough. Mr. Firman said that the turn from the private portion of the loop to the ingress/egress road was steep and sharp and might not be something that vehicles should be doing all of the time. Ms. Chembars felt that if there was a traffic concern regarding this portion of the loop it should be something addressed by the Borough at this time. Mr. Richardson said that reason for completing the loop was to provide an emergency access route. Ms. Chembars said that if a road was created for emergency access it should also be for public access. Mr. Firman said that emergency vehicles would have access to this portion of the road at any time. Ms. Chembars replied that the nature of a private easement is such that that easement can be changed at any time because it is not dedicated to the public.

Ms. Chembars asked is the developer would give the Borough the ability to approve or disapprove any future changes to the private easement. If the Borough has control in whether the private easement can be changed or closed then there is no issue. Mr. Montz said that if the easement appears on a recorded subdivision any changes would have to be reviewed and approved by the Borough. Ms. Chembars felt that was not the proper legal way to do it.

Mr. Montz said that the easement would be shown on the recorded plan. Ms. Chembars said the information should be on more than the recorded plan; it should be in the easement document itself stating that the Borough of Green Tree Council would have to formally approve any change to that private easement. Mr. Montz said that there is no separate easement agreement and the agreement is created solely by the plan. Ms. Chembars asked again why that portion of the road could not be made public. Mr. Firman replied that if it were public the Borough would have to maintain it and it would have to be built according to Borough standards.

Mrs. Bakin asked how much difference in width there was between the public portion of the loop and the private easement. Mr. McWilliams said that the easement portion of the loop had been narrowed to 30 feet. It would be hard for a large piece of emergency equipment, such as a 40-50 foot aerial fire truck, to make the turn. Mr. Richardson said he had been told that the aerial truck would not be used because the height of the buildings had been reduced. Mr. McWilliams and Mr. Lindsey said that the fire company would always be bringing in the aerial fire truck in an emergency situation. Mr. McWilliams said that there is no way that large emergency vehicles would be able to make the turn onto the private access road given the slope, the sharpness of the turn and the island at the intersection. Review of the drawings took place.

Mr. Firman said that there are no sidewalks by the private access road and that had been intentional because of the slope of the road to prevent people from walking that way. Ms. Chembars and Mrs. Bakin felt that people will take the shortest route and will make their own path even if a sidewalk is not available. They will not walk around the entire loop that has a sidewalk, but will cut through the private access road for direct access. Mrs. Bakin suggested that a sidewalk be added to at least one side of the street on the private access portion of the loop because those in the nearby building will walk that way. Mr. Richardson said that the topography of the area is not conducive to pedestrian travel. Ms. Chembars suggested that steps be provided for direct access because pedestrians will take the shortest route. If there is no sidewalk or steps the safety of walking along the side of the road becomes an issue.

Mr. Montz said these issues should have been discussed during preliminary approval. A sidewalk was never discussed at that time. Ms. Chembars replied that the Commission had been unaware that a portion of the loop would be private and not public. Mr. Montz said that the Commission should have realized that there was no sidewalk and the Borough has already agreed to that part of the plans. Mr. Montz said that the only outstanding issues were regarding traffic. Ms. Chembars disagreed and said that there had been a condition to add the loop road on all of the plans.

Mr. Montz said that there had been no discussion about sidewalks. Ms. Chembars said that the Commission just received the final plans that show the loop for the first time and those plans show a portion of the loop as private for the first time as well. The loop was never shown prior to these drawings and the Commission was led to believe that the entire loop would be public.

Mrs. Bakin said that the Commission had previously discussed whether there would be access via Hamburg Street. The idea of a loop instead of a cul-de-sac had developed when the possibility of secondary access via Hamburg Street was eliminated. The plans had been worked over several

times and the Commission had never seen drawings of the final version of the development until this meeting. Mrs. Bakin said that the Commission must consider not only those people who will live in the Green Tree development, but also the additional 100 or more units that will be built on the Pittsburgh side of the development that will connect and use the same Green Tree access since Hamburg Street is no longer an option.

Mr. Bill Brown from Oxford Development said he is responsible for developing these apartments. He has developed apartments throughout the United States. Although he was unfamiliar with Green Tree regulations, he stated that when there is only one exit in a development it is not uncommon to provide an emergency exit that might be blocked to regular traffic and used for emergency services only. Mr. Brown said that there is only one building that could be served by opening the emergency access road to regular traffic. The rest will use the public road for entry or exit. He said that many communities today prefer not to have roads dedicated as public roads because it requires the municipalities to pay for additional snow removal services and paving. He said that the developers do not want general traffic to use the hard right turn into the development because of the topography. Mr. Brown said he would be willing to add a sidewalk with steps along the road as the Commission discussed, but the area would be very steep. He said that if the Commission wanted a sidewalk with steps and a public dedication of the road, he would provide them, but he did not think it was the best solution.

Mr. Lindsey asked if the steps and sidewalks would be the Borough's responsibility in the winter. Mr. Montz replied that the Borough does not assume responsibility for sidewalks and there is a lot of concern for sidewalks because of ADA standards and requirements. Mr. Brown said that steps would not be ADA compliant; ADA compliance would be by way of the main entry around the loop and only one building's residents would probably use the private access to get to their apartments. Mrs. Bakin replied that many more people would use the private access once the development is expanded to the city side to get to McKinney Lane. Discussion continued regarding the usage of the steps and sidewalk.

Mr. Lindsey asked if the private portion of the loop would be an emergency only access road that would be chained and blocked from regular traffic. Mr. Brown said that in an emergency the fire company would use their bolt cutters to cut the chain to gain access. If the road is kept as private access, he said he would guarantee that the road would never be closed or removed. Mr. Lindsey said that road would have to be maintained no matter whether it is public or private and questioned whether the developers would keep the road clear. He said that in a wintertime emergency, the emergency vehicles would be unable to drive through a snow covered, unplowed access road. He was also concerned about large emergency vehicles being able to make the sharp right turn onto the emergency access road.

Mr. Montz said that Planning Commission could recommend what they feel should be dedicated, but Council will make the final decision. Mr. Montz said that sidewalks can become enforcement nightmares for the Borough and can be a long-term maintenance problem. He was concerned about the additional of more steps and more sidewalks. He said that most people in Western Pennsylvania drive and he did not anticipate many people walking to the bus stop. Mrs. Bakin said that the Borough and the developers have been presenting this development since the beginning as a walking community and they promoted the need for sidewalks throughout to make it a walking community near public transportation where residents could walk almost anywhere. To be a walking community, residents should be able to access the transportation. Those residents in the fifth building nearest the private access road will have a much longer way to walk without access

via the private road to public transportation. She said it cannot be both ways; it cannot be sold as a walking community and then not provide full access for those walkers.

Ms. Chembars asked if there would be a homeowners' association. Mr. Firman said the development would be apartments and there would not be a homeowners' association; however there would be an entity that would maintain the common area. Ms. Chembars asked if there would be an issue if a portion of the loop remained private and closed and the City of Pittsburgh's portion needed that access to it for their portion of the development. Discussion continued regarding the details of the development.

Mr. Brown felt that when the city portion of the development would be built the city would probably want the private part of the loop open to regular traffic. Mrs. Bakin asked why the developer didn't just make the entire loop a public roadway. Mr. Brown said that if the Borough wants to make it a public road he will do so, but he did not see what the Borough would gain by making it public except for the maintenance cost. Mr. Montz said that the private part of the road would not meet the Borough's right-of-way requirement.

Mr. Montz said that if the private part of the loop were made public it would require additional funds for future paving and snow removal. Mrs. Bakin asked how many lineal feet made up the private part of the loop. Mr. Richardson said it was approximately 600 to 800 square feet of roadway. Mr. Montz advised Planning Commission to make whatever recommendation they felt comfortable with, but warned that Council could choose to ignore the recommendation.

Mrs. Bakin said that she has heard numerous complaints from residents who wish they had sidewalks in their neighborhoods. She encouraged the developers to put in the rest of the sidewalks in the development so that residents will stay off the street when they are walking and can safely get to the bus stop. The city portion may have townhouses and condos where more families with young children will reside and she wanted to make certain that the children living in these units are safe.

Mr. Brown felt that residents would avoid using steps even if they are installed and choose to walk around the pond and up the other side instead. Steps are more dangerous in winter than a regular sidewalk. Mr. Lindsey asked who would maintain the private section of the road and the clearing of the sidewalks. Mr. Brown replied that the people who plow the private roads and sidewalks are the people who also manage the landscaping. Because of the size of the development, Mr. Brown felt that the development would be one of the first to be plowed by the maintenance company.

Mr. Montz asked about the pond and a review of the drawings took place. Ms. Chembars said that the pond was not being dedicated to the Borough and would be maintained by the developer. When asked, Mr. Richardson said that an 8-inch water pipe would be coming into the site. Mr. McWilliams said that the water pipe and other utilities are shown as being developed and capped off for the city portion of the property.

Mr. Lindsey said that the Green Tree Fire Chief, Mr. Dan Walsh, was in the audience. He was attending the meeting to review the drawings with regard to emergency vehicle access and hydrant locations. Chief Walsh expressed concern about the hard right that the trucks might have to make when turning into the emergency access roadway. Chief Walsh said that in an emergency situation the fire trucks should not have to make the entire loop to access an area to provide fire suppression, but felt it would be very difficult, if not impossible, to make the sharp right into the private roadway. Mr. Richardson said that truck would be able to make a three-point turn to make a right at the intersection. Chief Walsh said that the island in that intersection would be in the way of making a normal right-hand turn as well as a three-point turn. In an emergency situation, fire fighters do

not need to have obstacles slowing down their vehicles like the island. Review of the sharp right turn and the island in the intersection continued.

Chief Walsh suggested that the size of the island be reduced with no curb. Mr. Brown said that in an emergency the fire truck could just drive over the decorative island. Chief Walsh said that could do damage to the underside of the fire trucks and he would not want to do that. They continued to review the specifics of this area of the drawings and the locations of the hydrants.

Mr. Firman reviewed a number of items that had previously been discussed with the traffic engineer and how the developer was addressing them:

- Planting islands that are located in the right-of-way would be accepted by the Borough but maintained by the property owner.
- Sidewalks throughout the City Vista access drive will be owned and maintained by the developer.
- The developer will be asking for a modification of the right-of-way from 50 to 40 feet in one area of the access drive.
- The existing guardrail will continue to be maintained by the Borough.
- The retaining wall for the access drive will be owned and maintained by the Borough.
- The Borough shall accept ownership and maintenance of the pump station with the pump station's final construction plan being subject to Borough approval with possible future development in the City of Pittsburgh.
- Installation of improvements to the timing of traffic lights would be done during the construction phase.

Mr. Firman said another issue that had come up was the acceptance of storm sewers within the right-of-way of the City Vista access drive including piping manhole inlets. Discussion took place regarding the location of bus stops and the need for sidewalks along McKinney Lane to Greentree Road where the stop may be relocated.

Mr. Firman said that the final issue was the standards for the construction of public improvements must be accepted by the Borough, subject to the Borough's inspection and approval in accordance with the plans. This is part of the Municipal Planning Code. Mr. Firman hoped that Planning Commission would consider making a recommendation this evening.

Mrs. Bakin asked if the pumping stations would be big enough to handle future development in the city. Mr. Firman said they have been designed to accommodate the city development.

Ms. Chembars said she would prefer to have the Borough Engineer's input on these drawings before making a recommendation to Council. Mrs. Bakin said that a recommendation could be made at the July 28th meeting in time for Council's August meeting. Mr. Montz said that he and Mr. Casadei had looked at the plans and discussed them and he did not anticipate any additional comments. Ms. Chembars said there were several items that had been discussed at this meeting that would need to go into a recommendation. Mr. Montz said that if there any changes that Planning Commission would like to see on the plans, they should address them now instead of holding off until the July 28th meeting. Additionally, if another concern should occur to a Commission member they should contact Mr. Montz or Mr. Casadei prior to the meeting so it can be addressed promptly.

Ms. Chembars said that based on this evening's discussions, she is agreeable to the roadway being either public or private as long as it is paved. Council can decide if they want that area chained or open as long as the sidewalk is implemented and as long as it meets the expectations of the fire department. Ms. Chembars said that if it is determined to be a public right-of-way, a variance should be recommended on the width. She said that these items should be addressed on the plan by

the next meeting on the 28th and, when they have been addressed, then it would be the appropriate time to make recommendation to Council on the plan. She said she did not feel comfortable making a recommendation without receiving the Borough Engineer's formal input on the drawings.

Mr. Montz said that the only item that was discussed tonight that was not previously discussed with Mr. Casadei was the sidewalk issue. He said he would discuss it with Mr. Casadei when he returns from vacation. Mr. Montz said he would also discuss the sidewalk issue with the Borough Solicitor regarding ADA requirements.

Ms. Chembars said that other issues that had been discussed this evening that need to be addressed include whether the proposed pond would meet Borough requirements. Another issue was whether the permanent detention pond easement that is needed would be sufficient or if other documentation is required to make the detention pond perpetual and sufficient for the development.

Ms. Chembars asked if it had been stated that the perpetual access would be incorporated in a deed restriction. Mr. Firman replied that perpetual access would be provided whether it is in a deed restriction or on the plan. Mr. Montz said that it would be preferable to provide this on the recorded plan because a deed is an instrument between owners and could be changed without the Borough's knowledge whereas a recorded subdivision cannot be changed without the Borough's knowledge.

Mr. Montz said that since the location of the detention pond crosses jurisdictional lines into the city, there will need to be an article in the developer's agreement requiring that the detention pond is a permanent fixture to be maintained for the City Vista development. It is possible that an NPDES (National Pollutant Discharge Elimination System) permit will be required for the storm water management. Mr. Firman said that it would be on the plan and in the developer's agreement. Mr. Montz suggested that a note be added on the plans for Lot #1 regarding the detention pond.

ADJOURNMENT

There being nothing further to discuss at this time, the meeting ended at 8:25 p.m.

Rino Lindsey, Chairman

Ed O'Donnell, Secretary

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