

**MUNICIPALITY OF BETHEL PARK
MEETING MINUTES**

**PLANNING & ZONING COMMISSION REGULAR MEETING
NOVEMBER 8, 2023 @ 7:30 P.M.**

**COUNCIL CHAMBERS
BETHEL PARK MUNICIPAL BUILDING**

Chairman Mark Viehman called to order the November 8, 2023, Regular Meeting of the Bethel Park Planning and Zoning Commission at 7:30 p.m.

A. ROLL CALL

Members in attendance: Mr. Adam Foote, Mr. Peter E. Grandillo, Mr. Keith Hoppe, Mr. Rick Raeder, Mr. Tom Riley, Ms. Kerry Ann Stare, Mr. Justin Tiano, Mr. Mark Viehman and Ms. Katelyn Walsh.

Council Liaison in attendance: Joe Janosik

Staff in attendance: Gerald J. Harbison, Municipal Planner, Michael J. Haberman, P.E., Municipal Engineering Consultant

B. COMMUNICATIONS – None.

C. MINUTES – Approval of minutes – October 11, 2023.

Mr. Raeder made a motion to approve the minutes as submitted. Mr. Grandillo seconded the motion and it passed 8-0 with Ms. Stare abstaining.

D. CITIZENS COMMENTS (Non-Agenda) – None.

E. OLD BUSINESS

1) **Bethel Trails Plan of Lots Major Subdivision - Application #2023-0769**: Mr. Frank Zappala, Dave Scarton and Engineer John Wright of LSSE were present to present the plan and answer questions on behalf of the applicant, Phoenix

Keystone Group, LLC requesting preliminary/final approval of a Major Subdivision of properties located at the southwest quadrant of the McMurray Road and Limestone Drive intersection consisting of five parcels totaling 27 acres having Tax Parcel Lot & Block IDs of 775-L-40, 775-H-50, 775-D-125, 775-L-1 and 775-L-15 that are zoned R-3 in Ward 3.

Mr. Zappala presented the plan proposing a subdivision of 39 lots for single family dwelling development on lot sizes exceeding the minimum of the R-3 zoning district, of which 33 would be accessed from a new interior road connecting at McMurray Road and Limestone Drive. The other six (6) lots would front on McMurray Road, he mentioned. He pointed out that there would be no lots between the new road and the rear of existing properties 691-719 McMurray Road. Mr. Zappala shared that Heartland homes will be his building partner offering homes that he estimated to be priced between 550,000 and 800,000 dollars.

Mr. Zappala explained 16.5 acres of the 27 acres would be developed while the remaining 10+ acres of environmentally sensitive areas including wetlands and steep slopes would be preserved as a buffer and not be undisturbed. He added that his PNDI (Pennsylvania Natural Diversity Inventory) receipt for the PADEP Environmental Review revealed no known impacts to threatened, endangered or rare plants, and animals.

Mr. Zappala noted that all homes will have grinder pumps discharging sewage into a privately owned force main that will be extended off-site to tie into the municipal sewer manhole on Boulder Drive. He explained that a Homeowners Association (HOA) will be created to maintain common areas, the two detention basins, the entire sewage collection and force main system, lamp posts, and monument signs. Mr. Zappala informed the planners that he submitted default language used in another HOA Agreement for review to address the scenario should the HOA fail to perform maintenance.

Mr. Zappala reported that the access lane to the larger detention basin will also serve as pedestrian access to the Montour Trail right-of-way.

In response to the discussion at the last workshop meeting to consider an underground storm water collection system at the intersection, Mr. Zappala presented a rain garden as an alternative to discuss. It was the consensus of the commission that the rain garden concept is acceptable.

Chairman Viehman then called for staff comment.

Engineer Haberman reported that many comments with significance in his review letter have been addressed. He explained that further analysis of larger detention pond is needed along with other governmental agency permits.

Engineer Haberman advised the planners that the parcel with the larger basin meets the definition of a “flag lot”, a lot type not permitted by the SALDO. He noted that he will need to consult with the municipal solicitor to determine if the developer’s response to address this issue is acceptable by placing a restrictive note on the plan labeling this parcel as a “non-buildable lot”. If it isn’t, Engineer Haberman indicated Council will need to grant a waiver for administrative purposes to allow for the lot configuration.

Mr. Harbison reported that he is meeting with Mr. Zappala to discuss the streetlights and that the Shade Tree Commission comments were distributed prior to the meeting. Mr. Zappala noted that he will adhere to Shade Tree Commission comments.

Ms. Stare expressed a concern of high interest rates contributing to possible financing failures leaving ½ constructed homes with no buyer. Mr. Zappala reported that other than the model home, no spec homes will be constructed; therefore, all financing will be in place with build to contract homes. He noted that he has partnered with Heartland Homes to purchase lots and build the homes, who in turn, sell the lots to potential buyers with build to suit homes.

Mr. Viehman inquired about the build-out timeline for the project. Mr. Zappala was planning on a spring 2024 start with all infrastructure to be in place by October 2024, followed by a two-year home construction period finishing in 2026.

Mr. Foote inquired if a sightline evaluation was completed for the proposed road connection at McMurray Road. Mr. Zappala responded affirmatively. He noted that the sight distance exceeds the standard and that he needed to acquire an existing home to do so.

Mr. Foote asked if there are any setback requirements for the detention basin from the powerline. Mr. Zappala noted the basin will be at least 25 feet from the tower.

Mr. Riley inquired about the allotment of light posts per lot? Mr. Zappala responded that each lot would have at least one light, and in certain cases maybe an additional one.

Chairman Viehman opened the discussion for public comments.

Melissa Thomas, 863 Boulder Drive, expressed her concerns about traffic queuing, the impact on wildlife and how the undisturbed area highlighted in light green on the plan will be preserved. Mr. Scarton noted the areas designated to be undisturbed will be cordoned off during construction.

Dr. Mark Lennon, 111 Spring Meadow Drive, asked if there would be any impact to the existing drainage ditch near his house? Engineer Wright responded that there would be no physical changes to the ditch and the rate of water discharge from the basin will be designed to be 90% of current conditions. Dr. Lennon also expressed concerns about traffic, noting the current difficulty accessing McMurray Road.

Todd Brownfield, 132 Iron Run Road, asked how the large detention will be accessed for construction as it's surrounded by areas designated to be undisturbed? Mr. Zappala noted the access would be through the 20' wide access lane between lots 25 and 26 and behind lots 21-26.

Russ Crum, 691 McMurray Road, inquired if the new road connection to McMurray will be restricted to right in and right out as he foresees difficulties with left turn movements at the reverse curve due to high traffic volume. He also believed the new road will be used to short cut the traffic signal at the McMurray Road and Limestone Drive intersection. Mr. Zappala noted that a full access road was approved at this location. Chairman Viehman didn't agree that Bethel Trails Road will be used to circumvent the signalized intersection. He also noted that he observes motorists drive slower through the reverse curve.

Mr. Crum also noted there are paper streets on the property that need to be resolved. Mr. Zappala indicated that the paper streets will be vacated.

Mr. Crum requested the no disturbance buffer be extended along the back corner of his lot. Mr. Scarton responded that grading is necessary along the north side boundary of Mr. Crum's lot.

Mark Muska, 952 E. McMurray Road, indicated that his property is adjacent to Lot 9 and questioned if the water company utility line will be impacted by the development. Mr. Zappala responded that no structures would be placed within the water line easement.

At the end of the discussion, Mr. Raeder made a motion to recommend preliminary final plan approval of the Bethel Trails Plan of Lots - Major Subdivision #2023-0769 to Council subject to the twenty-two conditions enumerated in the Municipal Planner's November 3, 2023 memo to the Commission which read:

1. That the applicant satisfactorily addresses Gateway Engineer's review letter comments dated November 8, 2023.
2. That the applicant satisfactorily addresses the Municipal Planner's comments dated November 3, 2023.
3. That the applicant executes a developer's agreement to ensure installation of public improvements and maintenance obligations required of this subdivision, in a manner acceptable to the Municipal Solicitor.
4. That the applicant shall execute a Declaration of Covenants and Easement for Maintenance of Stormwater Management Facilities prepared by the Municipal Solicitor for the maintenance of the on-site stormwater management facilities.
5. That the applicant executes an Agreement to allow for the installation and maintenance of the privately owned sewage discharge line to be located within the Municipal public street rights-of-way to tie into the manhole of the Bethel Park Municipal public sewerage system.
6. That an Agreement be executed between the Bethel Trails Homeowners Association and the Municipality of Bethel Park stipulating that the HOA is responsible for the entire private sewage disposal pumping system up to the tie-in point of the Bethel Park Municipal public sewerage system.
7. That the applicant complies with the pending comments of the Landscape and Shade Tree Commission.

8. That the applicant obtains a review from the Allegheny County Planning Department prior to the plan being acted on by the Bethel Park Municipal Council.
9. That the applicant obtains a letter from the Allegheny County Conservation District approving the Soil Erosion and Sedimentation Control Plan pursuant to Section 61.10 of the Stormwater Management Ordinance.
10. That the applicant obtains a letter from the Pennsylvania Department of Environmental Protection and/or the Allegheny County Conservation District approving the NPDES Permit application pursuant to Section 61.10 of the Stormwater Management Ordinance.
11. That the applicant obtains a letter from the Pennsylvania Department of Environmental Protection approving a sewage facilities planning module.
12. That the applicant obtains a permit from the Pennsylvania Department of Environmental Protection approving the application for a Water Obstruction and Encroachment General Permit Registration for General Permit No. 5 (GP-5) for Utility Line Stream Crossing.
13. That the applicant obtains a permit from the Pennsylvania Department of Environmental Protection approving the application for a Water Obstruction and Encroachment General Permit Registration for General Permit No. 7 (GP-7) for Minor Road Crossings.
14. That the applicant obtains a permit from the Pennsylvania Department of Environmental Protection approving the application for a Water Quality General Permit for the proposed sanitary sewer extension, pursuant to Section 60.15.4 of the Subdivision and Land Development Ordinance.
15. That the applicant obtains highway occupancy permit(s) from the Pennsylvania Department of Transportation for the road and utility work within the right-of-way of McMurray Road.
16. That the Applicant shall dedicate Bethel Trails Drive to the Municipality. The dedication of road rights-of-way shall occur prior to the plan being recorded. The dedication shall be by Deed of Dedication in a form acceptable to the Municipal Solicitor, and an Opinion of Record Title shall be prepared by applicant's counsel

indicating that the dedication is free and clear of liens and encumbrances that would affect the Municipality's use of said property. The applicant shall furnish to the Municipal Solicitor a description for the dedication that has been approved by the Municipal Engineer, and a copy of the current deed for the property showing current ownership and recording information. The completed road will be accepted upon fulfillment by the Applicant of duties and responsibilities set forth in the agreement.

17. That the applicant shall dedicate to the Municipality ten (10) feet of additional right-of-way along the frontage of McMurray Road between Limestone Drive and the Crum property Tax Parcel ID No. 775-H-35. The dedication shall occur prior to the plan being recorded. The dedication shall be by Deed of Dedication in a form acceptable to the Municipal Solicitor, and an Opinion of Record Title shall be prepared by applicant's counsel indicating that the dedication is free and clear of liens and encumbrances that would affect the Municipality's use of said property. The applicant shall furnish to the Municipal Solicitor a description for the dedication that has been approved by the Municipal Engineer, and a copy of the current deed for the property showing current ownership and recording information.
18. That the Applicant shall agree, upon satisfactory completion of all storm sewer shown on the plan as intended for dedication to the Municipality, to execute formal Bills of Sale for said facilities, to convey said facilities to the Municipality for nominal consideration.
19. That the applicant will be responsible for making necessary arrangements with the municipality and the public service company involved for streetlights as approved by the Municipal Council and shall further be responsible for providing utility easements for lighting standards and fixtures, in accordance with Section 60.20.3 of the Subdivision and Land Development Ordinance.
20. That the applicant takes the appropriate action needed to vacate the existing rights-of-way shown on the plan to be vacated by this subdivision.
21. That the applicant coordinates with the Municipal Engineers to have addresses assigned to the plan of record.
22. That the applicant reconciles all open invoices for Municipal engineering and legal services prior to the plan being recorded.

Mr. Grandillo seconded the motion and it passed unanimously.

F. NEW BUSINESS – None.

G. OTHER ITEMS –None.

H. FUTURE MEETING DATES

The commission confirmed the next workshop meeting to be November 29th and the next regular meeting to be December 13th should any applications be submitted by the cutoff date.

I. ADJOURNMENT – Meeting adjourned at 8:24 p.m.