

MUNICIPALITY OF BETHEL PARK
ALLEGHENY COUNTY, PENNSYLVANIA

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IN RE: PUBLIC HEARING
McMURRAY ROAD REZONING

- - - -

COUNCIL MEMBERS

Timothy J. Moury (President)
Mark J. O'Brien (V. President)
Timothy Campbell
Todd S. Cenci
Joseph A. Consolmagno
David C. Espinar
Lindsay Flinn
Joseph Janosik
John Oakes

- - - -

Municipal Manager: Laurence Christian
Police Chief: Timothy O'Connor
Mayor: Jack T. Allen
Solicitor: Robert L. McTiernan, Esquire

- - - -

DATE: Monday, April 25, 2022
TIME: 7:45 p.m.

PLACE: Municipality of Bethel Park
5100 West Library Avenue
Bethel Park, Pennsylvania 15102

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Reported by: Kim Simms Strnisa

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P-R-O-C-E-E-D-I-N-G-S

(Commencing at approximately 7:47 p.m.)

PRESIDENT MOURY: Okay. At this time, I would like to call to order the Public Hearing for the McMurray Road Rezoning.

Mr. Christian, would you please call the roll.

MR. CHRISTIAN: Dr. Campbell?

DR. CAMPBELL: Here.

MR. CHRISTIAN: Mr. Cenci?

MR. CENCI: Here.

MR. CHRISTIAN: Mr. Consolmagno?

MR. CONSOLMAGNO: Here.

MR. CHRISTIAN: Mr. Espinar?

(No response.)

MR. CHRISTIAN: Ms. Flinn?

MS. FLINN: Here.

MR. CHRISTIAN: Mr. Janosik?

MR. JANOSIK: Here.

MR. CHRISTIAN: Mr. Moury?

PRESIDENT MOURY: Here.

MR. CHRISTIAN: Mr. Oakes?

MR. OAKES: Here.

MR. CHRISTIAN: Mr. O'Brien?

1 MR. O'BRIEN: Present.

2 PRESIDENT MOURY: We have eight
3 members present.

4 This is a Public Hearing for
5 Application No. 2021-1070, McMurray Road
6 Rezoning.

7 The way the process will work is
8 our Director of Engineering, Ms. Graf, will
9 give an overview of the -- what we're going
10 to be discussing tonight as far as the
11 rezoning request.

12 The Applicant, or if there's
13 somebody here, can certainly show us the map
14 or add any comments they would like, and
15 then we will open the floor to the Public
16 Comment Section for comments; proponents,
17 people that would be in favor of this
18 rezoning, or opponents, people that would be
19 against, then if Council has any discussion
20 or comments at the end.

21 So at this time, I would like to
22 turn to Ms. Graf.

23 MS. GRAF: Thank you.

24 Before Council is a Rezoning
25 Application. The Applicant, Mr. Ryan Wotus

1 for Rodney Ambrogi Revocable Trust, is
2 requesting the rezoning of properties'
3 addresses as 414, 422, 444 McMurray Road
4 from C-1 Commercial -- Neighborhood
5 Commercial, R-T Townhouse Dwelling, and OS
6 Open Space Overlay to C-2 Commercial
7 District.

8 The rezoning request is for five
9 parcels of land along McMurray Road. Four
10 of the parcels are currently zoned C-1 and
11 one is currently zoned R-T and OS.

12 The Applicant is requesting that
13 all five parcels be rezoned C-2 Commercial.
14 The total area for this request is 18.2
15 acres.

16 The rezoning request has been
17 properly advertised, and letters on the
18 rezoning have been mailed to property owners
19 within 500 feet of the proposed rezoning.
20 The properties which are part of the request
21 have been posted as well. Upper St. Clair
22 has also been made aware of the rezoning
23 request.

24 The adjacent properties' zoning is:
25 To the north, R-1 and C-3; to the south,

1 R-3; to the east, R-4; and west is
2 Upper St. Clair Township.

3 As per the requirements of the
4 Municipal Code, Chapter 69, Zoning,
5 Article 21, Section 69.68, Zoning Amendment
6 Procedure; the purpose of this Public
7 Hearing is to accept public testimony
8 regarding the application. Council is
9 required to hold a Public Hearing on such
10 application.

11 The Planning Commission recommended
12 approval at their February 9, 2022 meeting.
13 The Applicant was informed of the Planning
14 and Zoning Commission's recommendation for
15 approval with conditions in a letter dated
16 February 17, 2022.

17 This Public Hearing has been
18 properly -- properly advertised and proof of
19 publication has been entered into the
20 record. In addition, the adjacent
21 properties and Applicant have been properly
22 notified regarding this Public Hearing, and
23 the properties were posted. One comment was
24 received from a resident.

25 The attached list of exhibits for

1 the proposed rezoning include:

2 No. 1, Application for Rezoning
3 No. 2021-1070, dated December 14, 2021;

4 No. 2, Allegheny County Application
5 for rezoning, dated December 17, 2021;

6 No. 3, Existing Conditions Plan
7 prepared by FMG;

8 No. 4, Trip Generation Comparison
9 letter prepared by David E. Wooster and
10 Associates, dated February 3, 2022;

11 No. 5, a copy of the Blueprint
12 Bethel Park Connectivity Strategy;

13 No. 6, a copy of Blueprint Bethel
14 Park's Future Land Use Map;

15 No. 7, a copy of the existing
16 Zoning Map;

17 No. 8, the Applicant Time Limit
18 Waiver request, dated January 12, 2022;

19 No. 9, memo to the Planning and
20 Zoning Commission, dated December 23, 2021;

21 No. 10, Planning and Zoning
22 Commission Decision and Public Hearing
23 letter to Applicant, dated February 17,
24 2022;

25 No. 11, Gateway Engineer's review

1 letter, dated December 28, 2021;

2 No. 12, Allegheny County review
3 letter, dated January 18, 2022;

4 13, Allegheny County interview
5 letter No. 2, dated March 23, 2022;

6 No. 14, Resident Planning and
7 Zoning Commission notification letter, sent
8 January 26, 2022;

9 No. 15, Property owner Public
10 Hearing notification letter, dated March 11,
11 2022;

12 16, Resident Public Hearing
13 notification letter, dated March 23, 2022;

14 17, Resident comments from the
15 Planning and Zoning Commission meeting;

16 18, Resident comment from the
17 Public Hearing mailing;

18 No. 19, Staff memo and photographs
19 for placard posting, dated April 14, 2022.

20 Pending any comments or objections
21 from the Public Hearing, Council may
22 consider action on this request at the
23 May 9, 2022 regular Council Meeting.

24 For No. 18, the comment came from
25 465 Park Ridge Drive, and it says that they

1 oppose the proposal. They live near this
2 property. There's too much traffic already.
3 The traffic backs a quarter of a mile at
4 South Park Road and McMurray Road
5 intersection at rush hour.

6 PRESIDENT MOURY: Okay. At this
7 time, I would like to turn it over to the
8 Applicant. If you could come up and state
9 your name and address for the record.

10 And I will just preface, I'm not
11 sure what you're planning on showing. But
12 as long as you're showing the properties,
13 fine. We don't want to see any images or
14 anything to develop or that could go in
15 there.

16 MR. WOTUS: Understood. I'll limit
17 it to, basically, what you see here.

18 Good evening, members of Council.
19 My name is Ryan Wotus. I'm an attorney with
20 the law firm of Goldberg, Kamin & Garvin,
21 here behalf of -- it actually turns out to
22 be three separate applications based upon
23 existing ownership and purchase rights with
24 respect to the five parcels that are the
25 sublet to the application that's pending

1 before you this evening.

2 As noted by Ms. -- by Ms. Graf, one
3 of the Applicants is the Rodney Ambrogi
4 Trust, which owns three separate parcels --
5 I'm just going to bring this closer to the
6 mike -- which owns three parcels that are
7 located on the westerly side of this -- this
8 is McMurray Road, this split that you see
9 here looking in a northerly direction, and
10 South Park Road here.

11 The Trust owns three separate
12 parcels that are located on the corner here
13 closest to Clifton Road. They -- two of
14 them are currently developed and operated
15 for commercial purposes. The third is
16 actually a separate parcel here that is a
17 vacant parcel around that --
18 (indiscernible).

19 THE REPORTER: Wait, wait. Could
20 you say that again. I can't hear you with
21 your back to me.

22 MR. LUTZ: I'm sorry.

23 THE REPORTER: "The third is
24 actually"?

25 MR. WOTUS: Is an undeveloped

1 parcel of ground located on the corner.

2 The fourth parcel that is subject
3 to the application, just moving in a
4 northerly direction, is owned by Gaetano
5 family. That is also developed and
6 currently operated as a commercial business
7 on that site.

8 The largest parcel is currently
9 under contract with RIT McMurray, LLC to
10 acquire this piece pending rezoning or local
11 successful rezoning of this parcel of land.

12 This is the largest parcel itself.
13 The total acreage of all five parcels is
14 approximately 18.2 acres for the full site
15 itself.

16 In terms of existing zoning of
17 those parcels, the largest parcel itself is
18 currently tri-zoned, meaning it's actually
19 located within three separate zoning
20 districts. That's one of the issues that I
21 believe that's created problems, among other
22 things, for the development on that site.

23 The property -- and I do have a
24 little bit of a blowup here of your existing
25 zoning map showing what I call the subject

1 properties, which are all five, which are
2 generally located in this area itself.

3 The largest parcel, again, for the
4 three zoning districts along McMurray Road
5 is zoned C-1. As you move in a westerly
6 direction, it is located -- a portion of the
7 property there is located in the R-T, which
8 is your Townhouse Dwelling District. It's
9 sort of shaped like a -- almost a full
10 circle, sort of right in the middle of all
11 that parcel.

12 Again, and as we move further west
13 direct- -- a westerly direction, that is
14 part of the Open Space Overlay. So, again,
15 one -- one parcel, three separate zoning
16 districts.

17 All of the remaining parcels, the
18 Gaetano property, the Ambrogi parcels, are
19 all located within the C-1 zoning district
20 along McMurray Road.

21 Just for reference, too, in terms
22 of the neighborhood and the zoning that's in
23 the near vicinity across McMurry from the
24 subject to the south along McMurray Road, is
25 a commercial building on the corner here

1 rated as a commercial -- commercial use.
2 That's currently zoned C-1.

3 As you come across Clifton and move
4 northerly along McMurray Road, on the corner
5 is Al's Cafe, and located to the rear of
6 that is the existing Rite Aid. So the --
7 those properties are located within the C-2
8 zoning district, which is the district that
9 we're requesting the 18.2 acres to be
10 rezoned as.

11 Moving further north from the
12 restaurant location is a parcel there
13 located in the C-1 zoning district. The
14 next parcel to the north is an existing
15 office building. That is located within the
16 C-3 zoning district.

17 And then the last parcel before you
18 get to South Park Road, that is also within
19 the C-3, and that is the Brentwood Bank
20 building located there.

21 One of the main drivers for this
22 and support for the request that's before
23 Council this evening relates to the
24 Comprehensive Plan that this Council had
25 adopted on July 27th of 2020, which is known

1 as Blueprint Bethel Park.

2 As part of the Comprehensive Plan,
3 I'm sure many Council members were part of
4 that process. I know that that's a lengthy
5 process. Looking at the timeline that was
6 provided as part of that Comprehensive Plan
7 was approximately two years, including
8 public meetings, polling, and a multitude of
9 other outreach with community members to
10 give feedback, and ultimately guide the
11 direction of the future development of the
12 community.

13 The purpose that was set forth
14 specifically in the Comprehensive Plan was,
15 quote, "To provide detailed recommendations
16 regarding future land use, physical
17 development, housing, infrastructure,
18 planning, and other community services and
19 facilities.

20 So, again, one of goals here is,
21 let's look at the community, let's determine
22 how parcels should be zoned so we could
23 navigate the way we want to for future
24 development.

25 On Page 120 and 121 of the

1 Blueprint Bethel Park is the Future Land
2 Map. In that, it was identified as that
3 this is the map that establishes a picture
4 of the community that elected appointed
5 officials can use to channel market forces
6 in directions that the residents have
7 determined would be desirable.

8 Figure 26, which I have included in
9 the packet that we submitted, and also have
10 a blowup of it attached here, shows the
11 parcels that are subject to the rezoning
12 request that's before you this evening.

13 They are located here on the
14 corner. This is, again, McMurray Road
15 coming up around, Clifton and South Park
16 coming in. So these are the subject
17 properties.

18 As identified on the Future Land
19 Use Map as part of the Comprehensive Plan,
20 the parcels that are, again, the subject of
21 this are identified for Regional Commercial
22 as part of its future land use.

23 Under the Code, the C-2 zoning
24 district would provide the opportunity for
25 uses, size, and scale that would be

1 appropriate to facilitate the Regional
2 Commercial use while still maintaining the
3 appropriate protections for existing
4 commercial uses and residential uses that
5 are located within that area.

6 I think it's important to note,
7 though, that there also was -- there's
8 neighborhood commercial, is another use that
9 was identified in that.

10 However, as part of the
11 Comprehensive Plan, again, it was identified
12 through feedback, those meetings, Council
13 input, ultimately go ahead and identify this
14 for Regional Commercial.

15 And so we believe that the C-2
16 rezoning really follows what was intended
17 here from a zoning purpose for these
18 properties, and that's more appropriate in
19 terms of what the Comprehensive Plan
20 actually is calling for -- for these five
21 properties.

22 The Comprehensive Plan also
23 identified on what was Page 32 of the plan.
24 And this is also included in the packet that
25 we had submitted. It identifies certain

1 priority transportation projects within the
2 Municipality, one of which is identified as
3 McMurray Road and South Park Road
4 intersection.

5 Through several meetings at the
6 Planning Commission, you know, we've heard
7 feedback in terms of issues that citizens at
8 least perceive to be associated with that
9 intersection.

10 And one of the important aspects of
11 the rezoning and, ultimately, if this were
12 redeveloped, there would be requirements or
13 improvements to be made to that
14 intersection.

15 We know that there are already
16 warrants out there that will require
17 improvements to be made. Any development of
18 this site would ultimately have to go
19 through the same warrant analysis.

20 McMurray Road and South Park Road
21 are both state roads. So any of the
22 applications that would come in, they would
23 be ultimately worked through with this
24 Municipality in coordination with PennDOT.

25 And PennDOT ultimately would

1 dictate a lot of what occurs there in terms
2 of how traffic can access, what improvements
3 will be required, when would they be
4 required. And, ultimately, that would be a
5 requirement for the C- -- what's known as a
6 Highway Occupancy Permit, which would have
7 to be issued before we could have access to
8 the site and ultimately develop it.

9 So we know that one of the major
10 transportation impacts and improvements that
11 the Municipality at least identifies as part
12 of the Comprehensive Plan would be upgraded
13 as part of the future development site.

14 As part of this process, as well,
15 there was a multi local grant that was
16 applied for. That was supported by Bethel
17 Park. And there have been funds that have
18 been received by the developer that have
19 been earmarked for this intersection.

20 So if and when that improvement --
21 improvements were made, there is some
22 funding put aside for that. I think one
23 other piece that was important, at least
24 when we talked to the residents at the
25 Planning Commission meeting, is those

1 improvements also would be paid for by the
2 developer.

3 That's not something that PennDOT
4 could come back and say, "These improvements
5 are required," and then we would come to
6 Bethel Park and say, "You need to invest or
7 go ahead make those improvements." That
8 would be the on the developer or we wouldn't
9 get the HOP. That would be a condition of
10 the -- (indiscernible.) So that's one other
11 benefit associated with the post rezoning
12 and future development of the site.

13 Another aspect of this is that from
14 a connectivity activity standpoint for
15 pedestrian access. Currently there's a
16 sidewalk that basically ends at the
17 municipal line between Bethel Park and
18 Upper St. Clair.

19 Again, as part of the development
20 through your zoning and subdivision and land
21 development ordinances, that would be
22 extended into future improvements being made
23 to -- to this property.

24 So that would create additional
25 connectivity area down here. The sidewalk

1 is sparse and intermittent. But, again,
2 this would be, again, to create some
3 additional connectivity.

4 We also know that this would be
5 going before the Montour Trail. So that
6 could provide pedestrian access, safe
7 pedestrian access. Cyclists could use that
8 to the extent they needed to.

9 So, I know that that was at least a
10 concern that we had heard some feedback on.
11 I thought that would be important to
12 highlight for the purpose of this
13 application as well.

14 And, again, as highlighted by the
15 President, the -- there is really no
16 development being discussed this evening.
17 But I do want highlight that, again, any
18 future development ultimately would be back
19 before the Planning Commission, back before
20 this Council.

21 There would be significant public
22 input and process in place. And you have
23 zoning ordinances, you have stormwater
24 ordinances, subdivision land development
25 ordinance, all of which would regulate any

1 future development on this site.

2 And that was something I know was
3 important at least by the public. This is
4 the first step in a very long process. And
5 we would expect to be engaged with them and
6 work through that process in the future.

7 So, I'm happy to address any
8 questions. That's all I have for the
9 presentation standpoint.

10 PRESIDENT MOURY: Okay. At this
11 time, I'll turn it over to the Resident
12 Comment Section.

13 If there is any opponents; people
14 that are opposed to this rezoning
15 application?

16 (No response.)

17 PRESIDENT MOURY: Is there anybody
18 online, Mr. Christian?

19 MR. CHRISTIAN: No one online.

20 PRESIDENT MOURY: Thank you very
21 much.

22 Are there any proponents; that
23 would be people that would be in favor of
24 this?

25 (No response.)

1 PRESIDENT MOURY: Hearing none; is
2 there any discussion from Council?

3 MR. O'BRIEN: Mr. Chairman?

4 PRESIDENT MOURY: Mr. O'Brien.

5 MR. O'BRIEN: I would like to ask
6 Stacey to make a comment on the differences
7 -- this is like the third go-around for me
8 on this property.

9 And most of that property is C-1,
10 and we're going to change the a lot in the
11 R-T and the Overlay District to C-2. So I
12 just want to know the difference, for the
13 record, between C-1 and C-2 for things that
14 are allowed on a generic basis so we
15 understand knowing --

16 And I hope you're prepared for
17 that.

18 MS. GRAF: If I'm not, KP, she's
19 online.

20 MR. O'BRIEN: Okay.

21 MS. GRAF: She can jump in as well.

22 MR. O'BRIEN: I hope somebody's
23 prepared for that.

24 MS. GRAF: Sorry. KP, you can help
25 me if I don't know.

1 But from my recollection, C-2 is
2 just bigger. C-1 is limited to 3,000 square
3 feet of retail, or whatever the space may
4 be, where C-2 just allows a bigger
5 Commercial District.

6 PRESIDENT MOURY: I think under C-1
7 is Neighborhood Commercial. It's a similar
8 footprint, but smaller stores. I think
9 there are some things, including
10 restaurants, possibly. Maybe gas stations
11 aren't permitted in Neighborhood Commercial,
12 where they are in general Commercial.

13 But it's really the footprint
14 itself. There's a lot more allowed in the
15 C-1 versus C-2.

16 MR. O'BRIEN: I'm okay with it.
17 But for further -- further, I think we
18 should be better prepared to understand when
19 I'm talking in a Public Hearing to know the
20 differences between these districts -- at a
21 Public Hearing --

22 MS. PRIMM: This is KP. If I could
23 jump in.

24 So I do have the differences. So,
25 C-1, ultimately what is permitted in C-1 is

1 also permitted in C-2. But then in
2 addition, C-2 also permits some additional
3 uses.

4 So all of the C-1 -- all of the
5 uses in C-1 that do not have any size
6 limitations will be in C-2 as well. But
7 then in addition, in C-2, there's minor
8 automotive repair, public -- [audio cutting
9 in and out/inaudible], buildings,
10 restaurants, and taverns --

11 MR. O'BRIEN: Grocery stores?

12 MS. PRIMM: -- bus terminals,
13 repair shop, gas station, recreational uses,
14 hospitals, special education school, parking
15 lot.

16 So there are more uses in addition
17 to the uses listed in C-1.

18 MR. O'BRIEN: Grocery stores?

19 MS. PRIMM: Yes.

20 MR. O'BRIEN: That's all I want.
21 People need to know exactly. Not that
22 that's proposed. But what could be put in
23 there. This is their property around there,
24 and they should have the opportunity to
25 understand.

1 Thank you so much.

2 PRESIDENT MOURY: Okay. For those
3 that come up, I have a list of questions or
4 comments you may not like.

5 But I guess, first off, the zoning
6 that it is today is agreed by the current
7 owner. We rezoned the property based on the
8 applications they submitted. So he created
9 his own problems. So I'm not as concerned
10 about that.

11 The second is, I believe we may
12 still be in litigation with this current
13 property owner over the excavation and the
14 grading permit. I checked the county
15 records today. I think it's been since 2020
16 that we've been in litigation with him.

17 He did a lot of work up there. He
18 left equipment. He lost a lot of goodwill,
19 I can tell you from all the comments that
20 I've gotten over the last two to three years
21 have been, "What are you doing with that
22 property up there?"

23 So he put -- you got one foot in
24 the grave by the condition that property is
25 today and by the previous owner not taking

1 care of it.

2 MR. WOTUS: Yeah, I've been -- a
3 lot of those concerns have been raised at
4 the Planning Commission. I do appreciate
5 that. At least some of the background is
6 helpful to know from our perspective.

7 The goal -- obviously, one of the
8 things that we kind of did is provide that
9 to move forward with new ownership. And he
10 actually asked me to bring it up, and I
11 think now would be appropriate, is the --

12 With regard to McMurray, some of
13 you may know, but Dick Thomas was going to
14 be here this evening. He is the president
15 RIT McMurray. He apologized that he was not
16 able to make it, as he actually has a
17 conflict with his responsibilities with
18 Upper St. Clair. A long-term resident on
19 McMurray Road, and he was, again, intending
20 to be here this evening.

21 But I do know that past ownership
22 had -- did not help themselves with respect
23 to this Municipality in many respects, one
24 of which is, it sounds like, the ongoing
25 litigation.

1 PRESIDENT MOURY: Yeah, and I don't
2 know where this will impact -- there will
3 probably be no legal impact. We can ask our
4 Solicitor.

5 But the first step in goodwill
6 would have been to correct the problems that
7 were left by the previous owner.

8 My second comment is -- or my third
9 comment, I guess, is the boundary line
10 between the Municipality of St. Clair and
11 Bethel Park. I know at the first meeting in
12 January, Mr. Janosik and I were there. We
13 kind of questioned was it accurate.

14 I know in the past the previous
15 owner, many of the issues we have is that
16 once he did sue us at one point, he tried to
17 move the property line.

18 MR. O'BRIEN: Yes, he did.

19 PRESIDENT MOURY: I'm not convinced
20 that the property line you have there, all
21 due respect, is the actual correct line. I
22 was always under the impression it was
23 further over.

24 MR. WOTUS: To the south?

25 PRESIDENT MOURY: Yeah.

1 All those houses in Upper St. Clair
2 are actually all -- were all in Upper
3 St. Clair.

4 So I would like -- if we can
5 review, we can probably go back and look at
6 the litigation from 10 or 15 years ago, when
7 they sued us, maybe 20 years ago. But I
8 want to verify, if we can.

9 And maybe the best thing, Stacey,
10 would be to go to Upper St. Clair and
11 discuss with them, if they agree where the
12 property line is. Because he was trying to
13 move it. And both St. Clair and Bethel Park
14 agreed on where it is. So I'd really like
15 to get that clarified.

16 We spent a lot of time talking
17 about the South Park Road intersection. You
18 know, I'm just as concerned about the
19 Clifton intersection.

20 And I know I'm going to go against
21 what I said at the beginning, that we can't
22 talk about something that you're going to do
23 in the future.

24 But I got to be honest with you,
25 one thing that would concern me, even though

1 when you do transportation and traffic as
2 part of the site development, I get it. I
3 don't want to come back, if this is rezoned,
4 and you come back with your transportation
5 plan and you don't do anything with those
6 properties you acquired, you leave them
7 there to block us from doing any kind of
8 intersection upgrades. You know, I know you
9 can't commit to that.

10 But any traffic -- that whole area
11 is bad. It's bad today. And I think
12 anybody that I've talked to about this has
13 said, "The traffic, the traffic." And I've
14 kind to explain.

15 But my bigger concern is if this
16 does get rezoning and you do the whole
17 thing, what's to prevent you from leaving
18 those buildings there and not doing any
19 intersections upgrade at Clifton because we
20 can't? That's going to put us into this
21 debacle we're in right now, that it's -- you
22 own it, so...

23 MR. WOTUS: I guess there's a
24 couple things I would say to that, is, one,
25 that those properties, yeah, are part of the

1 application as well, and they're separate
2 ownership. But they've --

3 When PennDOT goes ahead and looks
4 at it. So, for instance, if the proposed
5 access would be at that South Park
6 intersection here and a concern, obviously,
7 with your question with respect to Clifton.
8 My expectation would be that as part of the
9 scoping meeting that we'd be having with
10 Bethel Park as part of that, that probably
11 would be looked at, too, that intersection.

12 And I would, you know, expect
13 PennDOT to say, "Hey, here's other
14 improvements." And I think that they would
15 have the ability to do so, seeing as that's
16 their roadway. And they could say, "This is
17 the only way we're going to give you an
18 HOP." And I understand the question would
19 be is, I -- (indiscernible) additional
20 right-of-way.

21 So we would have to work -- as,
22 basically, all those three separate owners
23 here, we'd have to work with property owner
24 to acquire.

25 PRESIDENT MOURY: Just remember,

1 we're not always this nice. We only get --
2 if this is done, we have one chance to fix
3 this.

4 MR. WOTUS: Right.

5 PRESIDENT MOURY: And we want to
6 make sure it's fixed and done right, if this
7 is to go through. Even though it's a
8 separate process, I think it's part of our
9 deliberation on what we think what's best
10 for the community. We know it's a problem
11 today. We don't want to create a bigger
12 problem for everybody, so...

13 MR. WOTUS: Right. And, yeah, I
14 think what I'd say is, so I worked on
15 similar -- not -- not, I guess, a similar
16 project -- but another development in a
17 nearby Municipality. And, actually, what
18 PennDOT did require there was -- on a state
19 roadway, was for us to go to the next
20 intersection and obtain right-of-way.

21 We actually had to obtain
22 right-of-way from a third party. PennDOT
23 said, "We're not going to give you an HOP
24 for your access unless you go do this." So
25 we went to negotiate that.

1 So I think that there's a fair
2 chance just based upon experience of how we
3 got involved with the real estate
4 development, PennDOT's going to look at that
5 intersection and say, "That's got to be part
6 of the scope."

7 PRESIDENT MOURY: There's a very
8 fair chance that will happen.

9 MR. WOTUS: Exactly.

10 PRESIDENT MOURY: Mr. O'Brien.

11 MR. O'BRIEN: Yeah, knowing the
12 area rather well and being here some time,
13 it -- now, some time ago, then, in this
14 corridor of development, in this area up and
15 down, there was a need for a grocery store
16 identified. And there was a rezoning, but
17 it never went through.

18 That is the issue in the C-2 that
19 brings to my attention the most uses of
20 daily day uses. So that -- to me, that is
21 something that -- what Mr. Moury's talking
22 about the traffic in that area.

23 So by changing that whole parcel to
24 C-2, it opens up a whole different use, a
25 whole different idea for traffic, whole

1 different times of day, so...

2 And I've just been really stung
3 over the years in the time that we spent
4 talking to the current owner about grandioso
5 plans and Overlay Districts, I'm really
6 subject to scepticism.

7 So if we're going to do this, and
8 this is going to be done right, let's --
9 let's put all the cards on the table and do
10 it right and make sure that we can do
11 improvements and not just end up with
12 another piece of empty property with empty
13 promises.

14 MR. WOTUS: And I can support that.
15 And I can understand that. Again, I know
16 the history is long- -- longstanding with
17 the -- the existing owner, hopefully not to
18 be the future owner.

19 PRESIDENT MOURY: Okay. Any other
20 comments?

21 MR. JANOSIK: Mr. Chairman?

22 PRESIDENT MOURY: Yes, Mr. Janosik.

23 MR. JANOSIK: Is Clifton a state
24 road too?

25 PRESIDENT MOURY: (Nods head.)

1 MR. JANOSIK: It is?

2 PRESIDENT MOURY: Yes.

3 MR. JANOSIK: I was golfing today
4 and someone asked me about --
5 (indiscernible) up there.

6 PRESIDENT MOURY: We call that
7 goodwill, just remember that.

8 MR. WOTUS: I can understand.

9 PRESIDENT MOURY: My only last
10 comment would be -- or I have two comments.

11 Did we receive any communications
12 from Upper St. Clair for or against their
13 concerns or questions regarding this
14 application?

15 MS. GRAF: KP, do you have that
16 answer?

17 MS. PRIMM: -- [audio cutting in
18 and out/inaudible] -- Adam, the planner at
19 Upper St. Clair, he discussed the
20 application that was -- a rezoning would --
21 call -- [Audio cutting in and
22 out/indiscernible.]

23 MS. GRAF: Just for the record, she
24 couldn't hear you.

25 So what she said was, she spoke

1 with Adam at Upper St. Clair. They talked
2 about the project. But it was just a
3 rezoning. She did not receive any negative
4 feedback. But she could get that in writing
5 for us.

6 PRESIDENT MOURY: Thank you for
7 being our interpreter.

8 Adam is the planner at Upper
9 St. Clair, just for the record.

10 This is my last comment, I think,
11 is the buffer. When you're going from C-2
12 to Neighborhood with an R District, you're
13 required 50-foot front yard, 35-foot side
14 yard.

15 I know you can't make a commitment.
16 But on both ends on Upper St. Clair, on the
17 Bethel side, there is residential. And I
18 get we're allowed to do it, but 35 feet is a
19 lot.

20 And I would hope, if this does go
21 through, that when they come through the
22 site development process, that there's some
23 really -- a lot of consideration to protect
24 the neighborhood.

25 While it may be 35 feet to expand

1 that, to potentially put some earth and
2 buffer there. Anything that's going to
3 detract or reduce the sound, reduce the
4 light, and really be goodwill for the
5 neighbors, because they've had to put up
6 with the current owner for many years,
7 including the Upper St. Clair side, him
8 cutting down the trees.

9 So I just hope that we can get the
10 litigation settled, we get the property, you
11 know, confirmed that that is the property
12 line, and then we would be making -- I think
13 it's May 9 would be when Council would be
14 making their final decision.

15 Is there any other questions or
16 comments from Council?

17 (No response.)

18 PRESIDENT MOURY: Hearing none; is
19 there a motion to adjourn?

20 MR. O'BRIEN: So moved.

21 PRESIDENT MOURY: Second?

22 DR. CAMPBELL: Second.

23 PRESIDENT MOURY: All in favor?

24 DR. CAMPBELL: Aye.

25 MR. CENCI: Aye.

1 MR. CONSOLMAGNO: Aye.

2 MS. FLINN: Aye.

3 MR. JANOSIK: Aye.

4 PRESIDENT MOURY: Aye.

5 MR. OAKES: Aye.

6 MR. O'BRIEN: Aye.

7 PRESIDENT MOURY: Meeting's
8 adjourned.

9 (Whereupon, the meeting was
10 adjourned at 8:21 p.m.)

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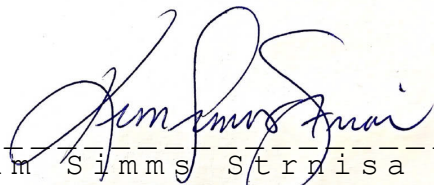
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C E R T I F I C A T E

I hereby certify that the transcript of the proceedings and evidence contained herein are a true and accurate transcription of my stenographic notes taken by me at the Bethel Park Council Public Hearing of the within cause, taken on April 25, 2022, and that the transcription was reduced to printing under my direction, and that this is a true and correct transcript of the same.

June 9, 2022



Kim Simms Strnisa
Certified Court Reporter

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