



## **PUBLIC HEARING**

### **A. CU-02-2022, CONDITIONAL USE APPLICATION SUBMITTED BY APEX NEWBURY, LLC TO APPLY AN OPEN SPACE DESIGN COMPONENT IN THE PED ZONING DISTRICT TO CONSTRUCT MIDRISE APARTMENTS**

The meeting was called to order by Commissioner Rodi at 515 Millers Run Road, Morgan, PA 15064

**PRESENT: DERNOSEK, SRAY (on phone), RODI, MALOSH**

**ALSO PRESENT: Township Solicitor: Robert Garvin; Township Manager: John M. Barrett; Township Executive Assistant: Peggy Patterson**

## **PLEDGE OF ALLEGIANCE**

### **SWEARING IN OF NEW POLICE OFFICER NICK WALTER**

Officer Nick Walter was sworn in by District Justice Maureen McGraw-Desmet.

## **PUBLIC COMMENT**

Jenny Drone – All of the residents on Oakridge Road are opposed to the apartments being built there. It is wrong for this road that is primarily single-family and already overrun with traffic. One inch of rainwater produces about 20,000 gallons of runoff on concrete. With this complex, there will be about 100,000 gallons of runoff for one inch of rain. There are many reasons the residents are against this, and I wanted it to be on record.

## **CORRESPONDENCE**

### **A. OAK RIDGE VOLUNTEER FIRE DEPARTMENT REPORT**

### **B. SOUTHBRIDGE EMS REPORT**

Mr. Barrett – We have reports from Oak Ridge Volunteer Fire Department and SouthBridge EMS.

## **CONSENT CALENDAR ITEMS**

### **A. APPROVAL OF MINUTES**

It was moved by DERNOSEK and seconded by MALOSH to approve the minutes from the May 11, 2022, regular meeting. All members present voted AYE to the motion.

#### B. PAYMENT OF THE BILLS

It was moved by DERNOSEK and seconded by MALOSH to pay the April 2022 bills. All members present voted AYE to the motion.

#### C. FINANCIAL REPORTS

Mr. Barrett – We don't have the financials because the meeting is so early in the month this month. We will send those out to the board and make them available to the public also.

#### D. BANK ACCOUNT BALANCES

Mr. Barrett – These reports are for transparency.

#### DEPARTMENT REPORTS

##### A. BUILDING PERMITS REPORT

Mr. Barrett – We had a lot of residential permits and a couple of commercial permits for The Piazza. It is a relatively quiet month, but for the year we are doing well.

##### B. COMMUNICATIONS & COMMUNITY DEVELOPMENT REPORT

Andrea Iglar, Director of Communications & Community Development - We are working on the magazine that will be coming out at the end of June and will be our longest issue yet.

We received second place nationally for the South Fayette Connect magazine. First place went to the Texas Department of Transportation, which is a much larger organization. The National Association of Government Communicators posted on LinkedIn that we consistently produce good work and that is a credit to our team and leadership. Without the support from the board, we would not be able to make this happen. I received the award at the National Association of Government Communicators conference, and I was excited to meet the U.S. Fire Administrator, who is appointed by the U.S. president.

I worked with the Pitt Small Business Development Center to help coordinate the ribbon cutting at the Empanada Company on Washington Pike. I also did a new business visit to Salud at Hastings, which is a smoothie and juice place.

Information from our Zoom in May on the Comprehensive Plan is on the website, and any updates are also on the website, at [southfayettepa.com/compplan](http://southfayettepa.com/compplan).

We did hang 87 military banners for the season on Millers Run Road, Old Oakdale and Washington Pike. The ones that were in the landslide repair area were relocated temporarily.

Our May glass recycling collection yielded 5.1 tons, and we scheduled the next one for September 3 through September 8, which encompasses Labor Day.

We scheduled a paper shredding event at the township building for Saturday, July 30.

Commissioner Rodi thanked Ms. Iglar for visiting the incoming businesses in the township.

#### C. ENGINEER'S REPORT

Travis Stanczyk, Project Manager, Gibson-Thomas Engineering – We had a preconstruction meeting with the contractor for the 2022 paving project and they plan on starting mid-July.

We also had a preconstruction meeting with the contractor for the work at Preservation Park and Parkes Farm. They are going to start the project at Parkes Farm early next week and once that is done, they will move to Preservation Park.

We have begun looking at the connection of Mohawk Road to Battle Ridge Road.

#### D. PARKS AND RECREATION REPORT

Paula Willis, Parks & Recreation Director – Fairview Phase 1 is moving along, and the dog park space is very big.

Last month I worked with the football association on an NFL grant that only football associations can apply for. We submitted what I think is a strong application for a \$250,000 grant for turf fields. I also submitted a GEDTF grant application for another \$250,000 for the ball fields at Fairview.

The light poles for Fairview B were delivered on Monday; unfortunately, we are missing a part to hook them up to power. The directional signs at Fairview will be installed this month.

We will have our first Movie in the Park next Friday, and Princess Raya will be attending to interact with the kids. There also will be a princess at the August movie.

We are in the process of getting sponsors and vendors for Community Day, and we are happy to report many of the same vendors and sponsors are stepping up once again. Ms. Iglar is working on getting bands and entertainment lined up.

Spring sports season is over and thank you to Commissioner Rodi for attending the fall season scheduling meeting last night. The field that we closed in the spring has grown back. It looks great and is ready for the fall season.

#### E. POLICE REPORT

Chief John Phoennik - Our bike patrols have started back up with the nicer weather. They are putting in about 13.5 hours on the Panhandle Trail, through Hunting Ridge and on other trails.

Lt. John Leininger has started training the officers in Brazilian Jiu Jitsu. It is effective in use-of-force situations. It also increases the emotional wellness of the officers. We are going to continue the lessons because I think it is an asset for our officers.

During the month of May, we had four officers who tested positive for Covid. We followed all the protocols, and they are all back at work now.

#### F. PUBLIC WORKS REPORT

Mr. Barrett – Between One Calls and sign installations, it has been an active month. Public Works has spent a lot of time mowing grass, including 94 acres just in the parks. They also mow the rights-of-ways and roadsides.

They are also doing some asphalt work and storm and curb repair. They are working on stormwater issues on Battle Ridge and in Cannongate. They did berm washout repair on Cecil Reissing Road.

Public Works employees take a lot of pride in their work, which you can tell from the photos. They take care of all the fields in the township. The township is providing them with the equipment they need to do all these items.

Public Works put the military banners back up.

#### G. REQUEST TRACKER REPORT

Mr. Barrett – Garbage and recycling comprise most of the report. We have been working with Waste Management on these issues, which have all been addressed. Waste Management has informed us that they are having issues with equipment as well as employees.

#### H. ASSISTANT MANAGER'S REPORT

Mr. Barrett – Most of his report is dealing with the ARPA funds we received. He is trying to figure out the guidance on appropriate expenditures. We are going to wait and see the reporting and justification that other townships have to do since they are spending some

of that money. We have until December of 2024. We will work with the board to see what we want to spend the money on.

Pat Catena, Assistant Township Manager, arrived at the meeting.

Mr. Catena – It is going to be interesting to see how the government comes back on this. A lot of what other municipalities are spending their money on clearly doesn't follow the guidelines. The government is either going to relax the guidelines or recoup the money.

## I. MANAGER'S REPORT

Mr. Barrett – I wanted to make sure the board was aware of the issues at the municipal center site. We ran into a problem with the discovery of carbonaceous soils, which cannot be used to support buildings, parking lots or roadways. The contractor is working through this. They are putting in underdrains and foundation drains this week. Hopefully, the footers and foundations will be installed in the next couple of weeks.

The road work on Mayview Road has begun and our consultants and working with the developer. We are hopeful the access to Fairview Park from Mayview Road will be available for Community Day.

The new Investment Policy Statement is on the agenda tonight.

We have been working on some of our capital projects, including the road program, the work we are doing at Preservation Park and Boys Home to install some restrooms in both parks, and stormwater repairs in the Parkes Farm neighborhood.

We have been working on some potential amendments to our zoning ordinance related to the planned economic development district. We have a rough draft of the changes to that ordinance and are asking a third party to review this to help us understand the impact. We will need to have a public hearing on this. We will ask the board to approve advertising next month and look to adopt it in August or September.

Commissioner Rodi asked if the paving program starts in July if that would give the contractor enough time to finish and was told by Mr. Barrett that it is primarily weather dependent. But they have until mid-October and there are penalties if they don't get it done.

Public Works is helping by doing soft-spot repairs and inlet adjustments which should help them get it done on time.

## OLD/UNFINISHED BUSINESS

A. DISCUSS AND CONSIDER ORDINANCE 2022-02, REZONING 111 MORGAN HILL ROAD, PARCEL 325-H-8 FROM R-3 MEDIUM DENSITY ZONING TO I-P INDUSTRIAL PARK ZONING

Mr. Barrett – This is just a simple rezoning. It is currently zoned R-3 and is being changed to I-P, which is adjacent zoning in that area.

It was moved by DERNOSEK and seconded by MALOSH to approve Ordinance 2022-02, rezoning 111 Morgan Hill Road, parcel 325-H-8 from R-3 Medium Density Zoning to I-P Industrial Park Zoning. All members present voted AYE to the motion.

**B. DISCUSS AND CONSIDER SP-01-2022 SOUTH FAYETTE TACO BELL, PRELIMINARY AND FINAL LAND DEVELOPMENT APPLICATION, 177 MILLERS RUN ROAD, ZONED C-2**

Mr. Barrett – This was at the Planning Commission last month and they recommended approval.

Maureen Sweeney, representing the property owner, SoFay Realty Partners, LLC – This has been recommended for approval and the application meets all the criteria of the ordinances, but we have a couple points that we wanted to add. This property was previously approved for a Dunkin Donuts and a bank, as well as a deli with a drive thru. My client came through with an application to change the deli to a Taco Bell, which reduces the footprint a little bit. The property owner had already paid, up front. Impact fees for the entire site at the time was estimated to be 97 trips. This revised plan has a smaller, lesser square footage than previously approved. The township engineer has said that the trips will increase by 10 trips with this new tenant, so they are asking for an additional \$14,180 in fees. We had Trans Associates do another study of the trips generated today, and using the same methodology, they found there would be 92 trips generated to the site, so we think our impact fees have been paid in full. We also take issue with the requirement of putting a note on the plans to limit left turns into the site from Hickory Grade Road. We are not in agreement with this, and there is nothing in your ordinances that require this. The MPC prohibits those types of requirements as a condition. We believe the application needs to be approved without those two issues.

Mr. Garvin – Our township traffic engineer is standing by his evaluation of the 10 additional trips, so we have a dispute. Wooster was the traffic engineer all along, and why now you are using Trans Associates?

Ms. Sweeney – We just wanted to get another engineer’s opinion, and they did back up that the impact fees have been paid in full. Also, we don’t think we should be required to put a note on our plan, which is violating the MPC.

Mr. Garvin – This plan does not have to be recorded, and we just want the note on there so there is no miscommunication or misconceptions if and when the township does the Hickory Grade Road improvements.

There was further discussion regarding the impact fees and the note on the plans regarding the future road improvements that would eliminate the left turn into the site.

It was moved by MALOSH and seconded by DERNOSEK to approve SP-01-2022, South Fayette Taco Bell, preliminary and final land development application, 177 Millers Run Road, zoned C-2 conditioned with a note being placed on the plan limiting the left-hand turn if and when the Hickory Grade Road improvements take place, adding the additional 10 trips per the impact fee and any outstanding comments from the township engineer's review letter. All members present voted AYE to the motion.

## NEW BUSINESS

A. DISCUSS AND CONSIDER CU-02-2022, CONDITIONAL USE APPLICATION SUBMITTED BY APEX NEWBURY, LLC TO APPLY AN OPEN SPACE DESIGN COMPONENT IN THE PED ZONING DISTRICT TO CONSTRUCT MIDRISE APARTMENTS

It was moved by DERNOSEK and seconded by SRAY to approve CU-02-2022, conditional use application submitted by Apex Newbury, LLC to apply an open space design component in the PED zoning district to construct midrise apartments. All members present voted AYE to the motion.

B. DISCUSS AND CONSIDER SP-03-2022, APEX NEWBURY APARTMENTS, PRELIMINARY AND FINAL LAND DEVELOPMENT APPLICATION, PARCEL 256-E-50, ZONED PED

It was moved by SRAY and seconded by MALOSH to approve SP-03-2022 Apex Newbury Apartments, preliminary and final land development application, parcel 256-E-50, zoned PED. All members present voted AYE to the motion.

C. DISCUSS AND CONSIDER S-04-2022, MICHAEL J. FRANCIS SULLIVAN, PRELIMINARY AND FINAL MAJOR SUBDIVISION APPLICATION, PARCEL 486-G-2, ZONED R-1

It was moved by DERNOSEK and seconded by MALOSH to approve S-04-2022, Michael J. Francis Sullivan, preliminary and final major subdivision application, parcel 486-G-2, zoned R-1. All members present voted AYE to the motion.

D. DISCUSS AND CONSIDER S-05-2022, THE PIAZZA CONSOLIDATION PLAN, PARCELS 256-R-3 AND 256-S-4, ZONED C-2

It was moved by SRAY and seconded by MALOSH to approve S-05-2022, The Piazza consolidation plan, parcels 256-R-3 and 256-S-4, zoned C-2. All members present voted AYE to the motion.

E. DISCUSS AND CONSIDER SP-04-2022, THE PIAZZA, PRELIMINARY AND FINAL LAND DEVELOPMENT APPLICATION, PARCELS 256-R-3, 256-R-7 AND 256-S-4, ZONED C-2

Mr. Stanczyk – They have addressed all the comments and are recommended for approval.

Ms. Sweeney – I would like to comment on this plan. We raised some concerns about this project at the May Planning Commission meeting, and we have a lot of questions about this project. We believe this crams in a lot of high traffic generators which significantly impact the township's already stressed roadways and access for business in this corridor. This plan is not consistent with your township ordinances. The Zoning Hearing Board granted a variance to exceed the maximum 70% lot coverage and to permit the development and those lots to have 76% impervious lot coverage, but with adding the additional lot, where is the data with that percentage? More importantly, did the developer get a variance for this new parcel?

Ms. Sweeney continued to speak about the issues she sees with SP-04-2022. She quoted a calculation regarding parking spots required at The Piazza. She said this project is severely under parked and does not meet the requirements of the township ordinance.

Commissioner Malosh – Can you tell me what your client's issue is with this development across the street?

Ms. Sweeney – The traffic is going to compromise the intersection, and it will create a lot of conflicts. Also, it is a blatant violation of the zoning ordinance, and there is a different standard being applied here.

Mr. Garvin – In terms of traffic and parking, the outside consultants, including Gateway Engineers and Gibson-Thomas, carefully reviewed how this all fits in with prior proposals and what is being proposed here.

Commissioner Rodi - What was the recommendation from the Planning Commission regarding this specific application?

Mr. Barrett and Mr. Garvin told her just the outstanding issues on the recommendation letter.

It was moved by DERNOSEK and seconded by MALOSH to approve SP-04-2022, The Piazza, preliminary and final land development application, parcels 256-R-3, 256-R-7 and 256-S-4, zoned C-2. All members present voted AYE to the motion.

F. DISCUSS AND CONSIDER RESOLUTION 2022-13, OFFICIAL SEWAGE FACILITIES PLAN

Mr. Barrett – The township is required to pass this resolution for the Municipal Authority of the Township of South Fayette.

It was moved by SRAY and seconded by MALOSH to approve Resolution 2022-13, Sewage Facilities Plan. All members present voted AYE to the motion.

**G. DISCUSS AND CONSIDER A MOTION TO RATIFY AN UPDATED INVESTMENT POLICY STATEMENT THAT SETS FORTH THE OBJECTIVES, POLICIES AND GUIDELINES FOR THE INVESTMENT OF ASSETS FOR THE SOUTH FAYETTE POLICE PENSION FUND**

Mr. Barrett – This is what our pension plan advisors will use as a guide for our investments.

It was moved by MALOSH and seconded by DERNOSEK to ratify an updated investment policy statement that sets forth the objectives, policies, and guidelines for the investment of assets for the South Fayette police pension fund. All members present voted AYE to the motion.

Mr. Garvin – We had executive session before the meeting, and it was decided to advertise for the position of Public Works Director. This just came up today, so we need a motion to amend the agenda to add the motion to advertise for a Public Works Director.

**H. DISCUSS AND CONSIDER A MOTION TO AMEND THE AGENDA TO ADD THE MOTION TO ADVERTISE FOR A PUBLIC WORKS DIRECTOR**

It was moved by MALOSH and seconded by DERNOSEK to amend the agenda to include a motion to advertise for a Public Works Director. All members present voted AYE to the motion.

**H. DISCUSS AND CONSIDER ADVERTISING FOR THE POSITION OF PUBLIC WORKS DIRECTOR**

It was moved by MALOSH and seconded by DERNOSEK to advertise for the position of Public Works Director. All members voted AYE to the motion.

PUBLIC COMMENT - None

BOARD DISCUSSION - None

SOLICITOR'S REPORT

Mr. Garvin – There was an argument in front of the Commonwealth Court with respect to the legal challenge to the toll on I-79 by South Fayette Township, Collier Township, and Bridgeville.

There was additional discussion regarding this issue.

Mr. Garvin – I have recorded several easements in the Parkes Farm project, and lot #2 at Alpine Point developer’s agreement was completed.

A good bit of time has been spent on the PED mixed-use development ordinance.

Commissioner Rodi – We did have executive session prior to the meeting for a personnel issue.

ADJOURNMENT

It was moved by MALOSH and seconded by SRAY to adjourn.  
All members present voted AYE to the motion.

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John M. Barrett, Township Manager

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Gwen A. Rodi, President

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Date

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Date