

HERMITAGE PLANNING COMMISSION

MINUTES

Monday
June 1, 2009
Regular Meeting
8:30 a.m.

MEMBERS PRESENT:
Chuck Rogers – Chairman
Woody Steele – Secretary
Ed Benton
John Coupland
Matt Liburdi
Shannon McConnell
Chester B. Scholl

OTHERS PRESENT:
Marcia Hirschmann
Tom Kuster, City Solicitor
Cindy Pagliaroli
Gary Hinkson
Gary Gulla
Scott Smith
Jan Farmakis
Jeremy Coxe
Nathan Zampogna
Joe Pinchot

Dale Buxton
Joe Knott
Glenn Schultz
Brad Goodballet
Wil White
Alexis Loomis
Ron Orndorff
Angie Orndorff
Larry Currie
Bob Sesko

MEMBERS ABSENT:
Mark Passalinqua
James Tamber

There were two others in attendance.

Mr. Rogers called the meeting to order at 8:35 a.m. in the Hermitage Municipal Building.

Mr. Rogers asked for public input. Alexis Loomis, 2365 Valley View Road, asked if WODA Development, as landlord, would be responsible for any tax revenue loss due to unregistered tenants. She also said that a WODA Development representative from Ohio informed the neighbors of the proposed development and said that there would be no on-site manager and that tenants would be solely responsible for their own on-site clean-up and maintenance. Ms. Loomis stated that it is difficult to manage code enforcement when the landlord is out-of-state. She said that out-of-state developers will be making money and leaving a mess for the citizens of Hermitage to clean up. Ms. Loomis said that there is no fiscal income nor will there be in 15 years. She noted that politics should not be a factor and she stated that the taxpayers of Hermitage end up paying more than just money – they pay for believing in their community and their leaders who are supposed to look after us.

Wil White, attorney representing the WODA Group, responded to Ms. Loomis comments by saying that the project will have an on-site manager. Attorney White also noted that the tenants do not pay the taxes, but the property owner will pay the taxes for the first 15 years and thereafter until the homes are sold. He said that WODA group has owned the property for over a year and has paid the back taxes and deserves the same protections and privileges as any other taxpayer.

Mr. Rogers asked Attorney White if he could address the issue of maintenance of the individual homes. Attorney White stated that his understanding was that there was an on-site manager who is responsible for day-to-day oversight of the property. He said that the services of a local entity are usually retained for on-site maintenance. Attorney White noted that if any unit is not being properly maintained, the on-site manager can order necessary repairs and/or maintenance and the

tenant would be charged for them. He stated that WODA Group, as the owner of the homes for at least 15 years, would not want to allow the units to become dilapidated and lose their value because their intention is to sell the homes at the end of that time.

Ms. Loomis said that when she and other City residents met with a WODA Group representative and a tenant from an Ohio development, she was told by them that there would be no on-site manager.

Ron Orndorff, 2595 Valley View Road, stated that clearing of the vegetation at the property entrance has been done, but he feels that visibility remains a problem and the likelihood of an accident occurring still exists.

APPROVAL OF MINUTES:

Mr. Rogers asked for approval of the minutes of the March 2, 2009 meeting. Mr. Benton made a motion to approve the March 2nd minutes. Mrs. McConnell seconded the motion and the motion carried unanimously. The minutes were approved as distributed.

SUBDIVISION PLANS:

Bedford 1011 LTD. Lots 2 & 3 Final Subdivision Plan (Lamor Road)

Mrs. Hirschmann explained that the purpose of this plan was for the creation of two non-building parcels from the lands of Bedford 1011 LTD. She stated that Lot 2 would be conveyed to Grace Chapel Community Church and Lot 3 would be conveyed to Mercer County Shrine Club.

Approval of the plan would have the following contingencies.

- 1) Drawing corrections
- 2) Two sets of permanent ink mylars with signatures and seals

Mr. Steele asked if there was a right-of-way between the properties. Mrs. Hirschmann replied yes. She noted that a subsequent subdivision and conveyance of land would straighten the Shrine Club property lines. Bob Sesko of Mercer County Shrine Club commented that Lot 3, which is to be conveyed to the Shrine Club, is located to the north of their existing property.

Mr. Steele made a motion to approve the Bedford 1011 LTD. Lots 2 & 3 Final Subdivision Plan. Dr. Coupland seconded the motion. The motion carried unanimously.

Mercer County Shrine Club Lot 1 Final Subdivision Plan (Lamor Road)

Mrs. Hirschmann explained that the purpose of this plan is for the creation of Lot 1, a non-building lot, which is to be conveyed to Bedford 1011, LTD.

Approval of the plan would have the following contingencies.

- 1) Drawing corrections
- 2) Two sets of permanent ink mylars with signatures and seals

Mr. Rogers asked for additional questions or comments on this plan. There were none. Mr. Benton made a motion to approve the Mercer County Shrine Club Lot 1 Final Subdivision Plan. Mr. Liburdi seconded the motion. The motion carried unanimously.

Camelot Estates Subdivision Preliminary Plan (Virginia Road / Camelot Drive)

Mrs. Hirschmann explained that there are two plans for consideration for the Camelot Estates Subdivision. The Preliminary Plan is for the entire proposed development consisting of Phase I and Phase II. The Final Plan is for Phase I only, which provides for the development of individual Lots 1-8 and 24-29. She explained that the purpose of a preliminary subdivision plan is to design all infrastructure and lot layout, and she noted that the plan is not recorded and does not allow for conveyance of lots. Mrs. Hirschmann stated that upon approval of a preliminary subdivision plan and completion of conditions attached to that approval, a developer may begin to construct the infrastructure.

Mrs. Hirschmann said that the Camelot Estates Subdivision is on a 49.356-acre parcel that is located between Rolling Acres and Lorenwood Development. A new road, Camelot Drive, will extend to the intersection of Northwoods Drive and Anderwood Drive. Phase I will end in a cul-de-sac and the road would be extended during future development of Phase II. Mrs. Hirschmann noted that individual rain gardens on each lot would handle the stormwater management in lieu of a single detention basin. She said that property owners must be made aware of the rain gardens and how to maintain them.

Approval of the plan would have the following contingencies.

- 1) Drawing corrections
- 2) Approval of Stormwater Management Report and Infrastructure Design by City engineer
- 3) Approval of DEP Permit or NPDES Permit if necessary
- 4) Letter from water company verifying water service or executed waterline extension agreement
- 5) Execution of Preliminary Developer's Agreement
- 6) One set of permanent ink mylars with signatures and seals

Mr. Steele asked at what point the City accepts the new road. Mrs. Hirschmann replied that the road for Phase I would be accepted upon completion. She said that a developer has two years from the time a final subdivision plan is approved to complete the road.

Mr. Rogers asked if the cul-de-sac had to be completed during Phase I construction. Mrs. Hirschmann said that a temporary cul-de-sac must be built and that if Phase II is not started within two years and the remainder of the road is not constructed, then the cul-de-sac must become permanent. Mr. Rogers asked how non-completion of the cul-de-sac would affect City services. Mrs. Hirschmann replied that the financial security guarantees completion of the infrastructure and the Planning Code states that a road must be passable before an occupancy permit can be issued for a new home.

Mr. Rogers asked for additional questions or comments on this plan. There were none. Mrs. McConnell made a motion to approve the Camelot Estates Subdivision Preliminary Plan. Mr. Benton seconded the motion. The motion carried unanimously.

Camelot Estates Subdivision Final Plan, Phase I, Lots 1-8 & 24-29 (Camelot Drive)

Mrs. Hirschmann explained that this final plan would allow the sale of the lots in Phase I. This phase will end in a cul-de-sac, which would be extended with the development of Phase II.

Approval of the plan would have the following contingencies.

- 1) Drawing corrections
- 2) Completion of all Preliminary Plan Approval conditions
- 3) Posting of Financial Security for completion of improvements
- 4) Execution of Final Developer's Agreement
- 5) Two sets of permanent ink mylars with signatures and seals

Mr. Steele asked how the pond located on Lots 5 and 6 is to be maintained. Mrs. Hirschmann replied that there is a notation on the final subdivision plan that states that the property owners must share the maintenance of the pond, and that the outflow structure and dimensions of the pond cannot be altered because it is a drainage pond.

Mr. Rogers asked for additional questions or comments on this plan. There were none. Mr. Steele made a motion to approve the Camelot Estates Subdivision Final Plan, Phase I, Lots 1-8 & 24-29. Dr. Coupland seconded the motion. The motion carried unanimously.

Quaker Meadow - Mrs. Hirschmann gave an overview of the three plans being considered by the Planning Commission at this meeting.

She stated that the first plan was a simple two-lot Subdivision to divide the 36.64 acres owned by WODA Group into two lots. Lot 2 is 26.48 acres and is to be developed as the Quaker Meadow Planned Residential Development. Lot 1 is 10.16 acres to be conveyed or developed at a future time. Mrs. Hirschmann said that the second plan is for the Planned Residential Development and is based on the tentative approval that was granted by the court. She said that the third plan is the Preliminary Subdivision Plan, which is the final infrastructure design for the streets, storm drainage system, sanitary sewer lines, and water lines.

Mrs. Hirschmann noted her memo that was included in the meeting material. She said that in regard to the Planned Residential Development the first step was the Application for Tentative Approval, which was recommended for approval with three conditions by the Planning Commission on June 2, 2008. She said that the Mercer County Regional Planning Commission recommended approval of the Application for Tentative Approval on July 15, 2008. Mrs. Hirschmann stated that the Hermitage Board of Commissioners voted to deny the Application for Tentative Approval on September 24, 2008. She explained that the developer appealed the denial to the Mercer County Court of Common Pleas, which reversed the decision of the Board of Commissioners and approved the Application for Tentative Approval on March 12, 2009.

Quaker Meadow Subdivision Lots 1 & 2 (Valley View Road)

Mrs. Hirschmann explained that this was the subdivision to split the property into two parcels.

Approval of the plan would have the following contingencies.

- 1) Drawing corrections
- 2) Approval of DEP Planning Module
- 3) Approval of waterline extension agreement
- 4) Two sets of permanent ink mylars with signatures and seals

Mr. Rogers asked for additional questions or comments on this plan. Mr. Liburdi asked if there would be a second access to Valley View Road from Lot 1. Mrs. Hirschmann replied that there could be if Lot 1 is developed separately for a single-family home. Solicitor Tom Kuster noted

that the Subdivision Ordinance requires that the lots have access to public streets and therefore it could legally have its own driveway to Valley View Road.

Mr. Steele made a motion to approve the Quaker Meadow Subdivision Lots 1 & 2. Mrs. McConnell seconded the motion. The motion carried unanimously.

Quaker Meadow Preliminary Subdivision and Planned Residential Development

Mrs. Hirschmann explained that both the Preliminary Subdivision Plan and the Planned Residential Development Plan must meet all conditions before approval would be final for either plan. She noted that the difference between the plans is that the Subdivision provides for the infrastructure and the Planned Residential Development provides for the location of the houses on the lots. Solicitor Kuster stated that the criteria to consider for the subdivision plan is set forth in the Subdivision & Land Development Ordinance and the criteria to consider for the planned residential development is set forth in the Planned Residential Development Ordinance which is contained in the Zoning Ordinance.

There was a 5-minute break in the meeting while the Planning Commission members studied the large drawing that showed the location of the houses proposed for the Quaker Meadow Planned Residential Development.

Quaker Meadow Preliminary Subdivision Plan - Lots 1-40, Open Space Lots A & B and Stormwater Lot C (Valley View Road)

Mrs. Hirschmann explained that the purpose of this subdivision is for the creation of 40 residential building lots, open space Lots A & B, and Lot C for the stormwater management system. She noted that the developer and engineer were present for questions. Mrs. Hirschmann said that the stormwater basin located near Route 18 would be owned and maintained by the developer and homeowners association, not the City of Hermitage. A 20-foot wide roadway will be provided for the driveways from Valley View Road and Route 18 and a 22-foot wide roadway will be provided for the loop road, with storm sewers on both sides of all roads. The inside of the loop road would be curbed and the outside would have a vegetative swale for stormwater deflection. A sidewalk will go around the entire interior loop, which circles the open space. The open space will contain a community building and a small maintenance building. Mrs. Hirschmann stated that the Route 18 driveway would be for right turn in and right turn out only.

Approval of the plan would have the following contingencies.

- 1) Drawing corrections
- 2) Approval of Stormwater Management Report and Infrastructure Design by City engineer
- 3) Approval of DEP Permit or NPDES Permit if necessary
- 4) Approval of DEP Planning Module
- 5) Approval of PennDOT Highway Occupancy Permit
- 6) Letter from water company verifying water service or executed waterline extension agreement
- 7) Execution of Preliminary Developer's Agreement
- 8) One set of permanent ink mylars with signatures and seals

Mr. Rogers asked for questions and comments. Mr. Liburdi asked what buffers will exist on the lots that back up to Route 18, specifically lot 14 to lot 23. Attorney White stated that there would be a walking trail around the entire development located at the rear of the residential lots and that

much of the existing vegetation would remain between the walking trail and Route 18. He said that trees located in the vicinity of the proposed stormwater basin would be removed and he could not guarantee that a vegetative buffer would remain for lots 17 to 23. Solicitor Kuster stated that the Subdivision Ordinance does not require a buffer in this particular situation. Mr. Rogers clarified that no trees would remain standing at the stormwater basin because of the grading that would occur and the lots that back up to Route 18 would be exposed to the highway. Mr. Liburdi asked if the developer plans to plant new trees and vegetation between the homes on lots 17 to 23 and the stormwater basin. Attorney White replied that he could not answer that, but he hoped that some trees could remain for a natural buffer and that if not, the developer could plant some type of buffer. Mr. Liburdi said that since this development is located in the gateway to Hermitage, he would want it to look appealing and would not want to look into a housing development. Dr. Coupland commented that there might be a line-of-sight problem at the driveway on Route 18 if trees would be planted. Mr. Rogers said that the Planning Commission could strongly recommend that the developer consider landscaping in that area.

Mr. Rogers asked Attorney White about the significance of the homeowners association. Attorney White replied that in 15 years when WODA Group sells the homes, the private owners would be required by a deed restriction to join and abide by the rules of the Quaker Meadow Homeowners Association. Mrs. Hirschmann asked if the creation of the homeowners association is established now even though it will not materialize for 15 years. Attorney White replied yes. Solicitor Kuster stated that a Declaration of Covenants that will establish the homeowners association in 15 years should be recorded now with the Planned Residential Development plan. Attorney White agreed. Solicitor Kuster said that as part of the plan approval process the City could enforce the Declaration of Covenants in 15 years when the homeowners association is to become effective.

Dr. Coupland asked how Judge Dobson, Mercer County Court of Common Pleas, could overrule the Board of Commissioners. Solicitor Kuster responded that the City cannot impose regulations that are not in the City ordinance. He stated that if a development complies with the requirements of the ordinance, the City has no discretion to say no to it. Solicitor Kuster said that after the Board of Commissioners denied the Application for Tentative Approval, the developer had the right to appeal that decision according to the Municipal Planning Code and the City ordinance. He said that the court determined that the Application for Tentative Approval met all of the ordinance requirements and overturned the decision of the Board of Commissioners. Mr. Rogers asked for clarification in that if the Planning Commission acknowledged that the Planned Residential Development plan met all of the qualifications, then it would be incumbent upon the Planning Commission to approve it. Solicitor Kuster replied yes and that recommendations could be attached to the approval.

Ms. Loomis stated that the neighbors expressed their concerns about the buffers to WODA Development at their first meeting and were told that there would be minimal tree trimming. She said that at their next meeting, the neighbors were told that the developer did not have to put up any buffers. Ms. Loomis said that the neighbors are concerned because Attorney White and WODA Construction have changed their opinion at every meeting.

Attorney White stated that technically, per the Ordinance, the City couldn't require WODA Development to install buffers merely because the Quaker Meadow Planned Residential Development is located in the gateway to Hermitage. He said that he understood it is the duty of the Planning Commission to be sure that the plan is compliant with the Ordinance and also to work with the developer to make the project appealing. Attorney White agreed with Mr. Liburdi

in that there should be screening and trees, but he could not comment on what type of screening because he did not know how much space there would be once the detention facility is constructed. He noted that WODA Development would work with the City in regard to their suggestions. Attorney White cited various examples that showed that the developer has already revised the original plan a number of times to meet requirements and satisfy recommendations made by the City.

Dr. Coupland made a statement in support of the neighbors of the proposed development, saying that he felt the Planning Commission must make decisions that protect homeowners, including those who are living around this development. He stated that he would be voting against most of the proposals for the Quaker Meadow development.

Larry Currie, 2486 Valley View Road, expressed his concern about traffic problems in the area of the proposed development. He asked why the current traffic issues could not be solved before the Quaker Meadow development begins. He noted that he has had difficulty crossing at the intersection of Lamor Road and North Keel Ridge Road and he mentioned that there have been many accidents around the Lamor Road & Valley View Road intersection. Mr. Currie disputed traffic counts that have been performed during recent traffic studies and he stated that it sometimes takes 3 to 5 minutes to safely exit his driveway onto Valley View Road.

Mr. Rogers noted that there are conditions that must be met regarding sight lines on Valley View Road.

Angie Orndorff, 2595 Valley View Road, said that she plans to live in her house for the rest of her life and asked how anyone can be certain of what will happen in 15 years. She stated that she is concerned about runoff and sewers, and wonders if they can handle additional flows. Mrs. Orndorff noted that she appreciated the support given by Dr. Coupland.

Mr. Steele asked what was the average square footage of the proposed homes. Glen Schultz, WODA Development, said that they vary from 1,200 to 1,700 square feet.

Mr. Liburdi asked why the homes denoted as sight and hearing impaired housing were located so close to the high-traffic entrance drive. Mrs. Hirschmann replied that a specific percentage of the homes must be designated for physically handicapped or sight and hearing impaired tenants. She could not answer as to why those specific lots were chosen for the location of these homes. Attorney White stated that these lots are more easily accessible for handicapped tenants in regard to slope of the land, but he noted that these homes could be moved to different lots that are in a lower-traffic area if there is no restriction to keep them in the current location. Mr. Rogers said that a recommendation would be made by the Planning Commission to change the location of the handicapped and sight and hearing impaired homes.

Mr. Steele commented that due to the size of the lots and homes, he felt that the spacing between the homes might be close. Mrs. Hirschmann stated that the minimum setback requirements in a Planned Residential Development are 8 feet from an interior property line and 25 feet from a street side on a corner lot. She noted that the plans must reflect these setback requirements and also said that because these are all single-family dwellings, the height of the house has no bearing on the setback requirements.

Mr. Currie asked if there is a limitation on the number of occupants for the proposed homes due to their size. He also asked if the homes are handicapped accessible, questioning how a

wheelchair-bound person can get upstairs in a two-story house. Mr. Rogers stated that he is not aware of any limitation on the number of occupants of a home. Mr. Currie said that there should be and Mr. Rogers responded that he did not feel that issue was within the scope of the Planning Commission.

Mr. Rogers asked for additional questions or comments on this plan. There were none. Mr. Rogers listed the recommendations of the Planning Commission regarding the Quaker Meadow development as follows: Developer's Agreement that incorporates the Declaration of Covenants that confirms the existence of the Homeowners Association; recommendation for a visual buffer along Route 18; consideration of the location of the special function houses such as handicapped or sight and hearing impaired.

Mr. Rogers asked for a motion for approval of the Quaker Meadow Preliminary Subdivision Plan - Lots 1-40, Open Space Lots A & B and Stormwater Lot C with the recommendations attached as previously set forth. Mrs. McConnell made a motion to approve the Quaker Meadow Preliminary Subdivision Plan - Lots 1-40, Open Space Lots A & B and Stormwater Lot C. Mr. Scholl seconded the motion. Mr. Rogers asked all those in favor to respond. There was no response. Solicitor Kuster suggested a roll call vote, which was conducted with the following results: Dr. Coupland – no; Mr. Liburdi – no; Mr. Steele – no, with comment that the plan fits to the bulk of the Ordinance but if he was making an investment in the community and did not feel wanted, he would not proceed; Mr. Rogers – no; Mr. Benton – no; Mr. Scholl – yes; Mrs. McConnell – yes. The motion to approve the Quaker Meadow Preliminary Subdivision Plan - Lots 1-40, Open Space Lots A & B and Stormwater Lot C with the recommendations failed to pass with five no votes and two yes votes.

PLANNED RESIDENTIAL DEVELOPMENTS:

Quaker Meadow Planned Residential Development Final Plan (Valley View Road)

Mrs. Hirschmann previously explained that the purpose of this plan is for the creation of a Planned Residential Development consisting of 40 single-family homes on individual lots, a community building, and common open space.

Approval of the plan would have the following contingencies.

- 1) Drawing corrections
- 2) Recording of related subdivision
- 3) Completion of all Preliminary Plan Approval conditions
- 4) Posting of Financial Security for completion of improvements
- 5) Execution of Final Developer's Agreement
- 6) Two sets of permanent ink mylars with signatures and seals

Mr. Rogers noted that this submission was just discussed and asked for a motion to approve the Quaker Meadow Planned Residential Development Final Plan. Mrs. McConnell made a motion to approve the Quaker Meadow Planned Residential Development Final Plan. Mr. Scholl seconded the motion. Mr. Rogers asked for further discussion. There was none. Mr. Rogers called for a roll call vote, which was conducted with the following results: Dr. Coupland – no; Mr. Liburdi – no; Mr. Steele – no; Mr. Rogers – no; Mr. Benton – no; Mr. Scholl – yes; Mrs. McConnell – yes. The motion to approve the Quaker Meadow Planned Residential Development Final Plan failed to pass with five no votes and two yes votes.

OTHER BUSINESS:

Mercer County Regional Planning Commission update – Mr. Benton reported that the GIS aerial survey is complete and can be accessed online. He noted that it contains all details of all Mercer County properties but does not contain any assessment information.

There were no public comments. The meeting adjourned at 10:20 a.m.

Respectfully submitted,

Cindy Pagliaroli

Date prepared - June 9, 2009

Date approved -