

MINUTES

PUBLIC HEARING OF HAMPTON TOWNSHIP COUNCIL

WEDNESDAY, JULY 14, 2010

President Son called to order the Public Hearing of Hampton Township Council at 7:30 p.m. in the Council Chambers of the Municipal Building located at 3101 McCully Road, Allison Park, Pennsylvania.

Those present: V. Son, President; M. Hunkele, C. Montgomery, P. Russ, Members: J. Speakman, Controller; V. Tucceri, Legal Counsel; W. C. Lochner, Municipal Manager.

CITIZEN AGENDA MATTERS

Mr. Ray McClain, 3169 Henrich Farm Lane, asked if the proposed Zoning Ordinance changes were to delete language regarding oil and gas extractions. Mr. Orban indicated that there are some proposed changes to the Zoning Ordinance regarding oil and gas drilling. There is some deletion of language as well as the addition of some language regarding this matter. The current language only allows for mineral extractions in a Light Industrial district. The proposal is to allow it in several other commercial zoning districts, and there is a need to revise other sections that refer to the original language. Mr. McClain asked why for the expansion of districts in the ordinance. Mr. Son commented that it was a Council move in order to try and put the Township in a position where it can have control over its zoning districts in terms of any kind of drilling that may or may not occur with the expressed purpose of protecting the residents in residential zones. Mr. McClain asked if this would include Marcellus Shale drilling. Mr. Tucceri indicated that it would. Mr. McClain asked what if the Township told them they could not drill, because Peters Township did that. Mr. Tucceri advised Mr. McClain that Hampton couldn't do that. Mr. McClain expressed his opposition to Marcellus Shale drilling and asked that someone look into what Peters Township has done. Mr. Russ commented that if the Township does not have certain designated areas, then the applicant could come in and dictate where they could go, because of state and federal law.

PUBLIC HEARING – STEEL CITY BOUNCE CONDITIONAL USE (10-09)

The applicant is seeking approval to locate a commercial recreation facility in two of the Miller commercial condominium units located on Mt. Royal Blvd. The proposed "JumpZone" business will include a child oriented private party center with dining area. Commercial recreation is a conditional use in a Light Industrial zoning district and must be approved by Township Council.

Mr. Russ moved to open the public hearing in conjunction with the Steel City Bounce Conditional Use (10-09). Mrs. Hunkele seconded the motion and roll call vote was unanimously in favor.

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Mr. Orban stated that this is a conditional use application that must be approved by Council. It is a proposed commercial recreation use in a structure that was originally approved as a condominium commercial use. This has been reviewed by Township staff and engineers, and has been before the Planning Commission. The purpose of the hearing is to inform and obtain public comment prior to taking action on the application. At this time, Mr. Orban added to the record the following items: Exhibit "A" – copy of e-mails to the Post Gazette regarding the required advertisement. The Township does not yet have the Proof of Publication. Exhibit "B" is a copy of the work order regarding the posting of notification of signs on public property, something that is required for the public hearing.

Mr. Orban stated at the Township's Planning Commission meeting, several items were discussed. The Board really had no problem with the use. It was different than what was originally proposed for the property, but it seems like a fairly good use for that particular location. They did have some parking concerns and other things that they discussed. Subsequent to that meeting, they looked a little deeper into the plan and realized that the plans that were submitted and reviewed were not fully accurate as to what was on the site. There were some things that were shown that were used for calculations regarding parking that were not actually there. The Township did send a letter to the applicant, property owner, and engineer stating this and asking for some new plans showing more accuracy so that the Township can comment. At this point, the Township has not received those plans and asked that it be part of the record that those plans are needed for a full review.

Mr. Son commented that this site, which is zoned Light Industrial, this activity would be a much better preferred activity than some of the other activities in a Light Industrial zone. The issues are more just getting the revised plans in place so that staff has a chance to review them. Mr. Son asked if the plans would have to be reviewed by the Planning Commission again. Mr. Orban stated that they would and since the plans were not completely accurate, he would recommend that this public hearing be held open until the Township receives the plans and has an opportunity to review them as well as the engineers. And since they would be slightly different, he would send them back to the Planning Commission for their input. Mr. Tucceri stated that the options to Council are that they could reject the application as incomplete, or simply continue the hearing until a later date once staff has received the appropriate information. Mr. Son stated he would rather continue the hearing and if the applicants submit the information in time for the August meeting, it could be done in August. If it were not until September, it would not be until September. Mr. Orban commented that the applicant's engineer was present at the meeting and he could give some comments as to a timetable that he could get the plans to the Township. Once the Township gets the material, it will disseminate it for everyone to look at it. Mr. Son asked if the Planning Commission approved the application for this specific use. Mr. Orban stated they had no issue with the use, and they thought it was a good alternative to what is down there. Staff would recommend that this is a good use for this zoning district. It is a child-type oriented business where children come in and parents rent a space, and they have blow-up play type of activities. It is different than what was down there, but is something that would work well in that area. The problems are technical and the Township needs to make sure that there is enough parking down there and that everything is in order. Mr. Montgomery asked if the

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plans that were submitted to Council were just preliminary. Mr. Orban stated that those were the original plans that have not been revised.

Mr. Mark Schmitt, Hampton Technical Associates, was present on behalf of the applicant. Mr. Son asked if Council held the hearing open until September, would he feel he could comply with that and get the updated plans in staff's hands in time for that. Mr. Schmitt stated that the problems with the plans is that the delineation between what was proposed in the original plans, basically resubmitted the original plans and probably should have had a delineation line indicating what was proposed as part of Phase II. Mr. Schmitt stated that he did have information for this meeting if Council was willing to hear that with regard to some of the issues. Mr. Tucceri asked Mr. Schmitt if he was the representative of the applicant and present to speak on behalf of the applicant. Mr. Schmitt stated he was present to speak on behalf of the Miller's. Mr. Tucceri asked if those are the people present requesting the conditional use. Mr. Tucceri asked if there was anyone present that was opposed or had any comment from the public with regard to this matter. (No comments were made). Mr. Tucceri asked on behalf of the applicant, if Mr. Schmitt had no objection to the Township making a verbatim record to this hearing via a tape as opposed to a stenographic record associated with this matter. Mr. Schmitt stated that was correct. Mr. Orban commented that the people who want to lease the property were also present. Mr. Son commented that his personal preference was that he did not want to duplicate the effort, he would rather have him make the delineation to the plans, get the information over staff so that they can properly review it, run it by the Planning Commission, so that when Council comes back for the continuation of the hearing they would be dealing with facts as opposed to supposition and where they want to go or where they think they want to go. Assuming no other member had a problem with that, that is the way he would like to go and the applicant hold their testimony until they had something that has been submitted and they have given their blessing on.

Mr. Tucceri asked Mr. Schmitt on behalf of the applicant if he had any problem in continuing the request until September so that he could submit the information and so that the time clock does not continue to run. Mr. John Miller, one of the applicants, asked if there was any possibility of doing this any sooner because this has been dragging on for the last six months. Mr. Son stated he prefaced his statement that if they could get it ready sooner and get the plans in sooner so that they could get the plans to the Planning Commission, it could be done in August. As a courtesy, he was suggesting September just to give the timeline more if it was needed, but staff and certainly the Planning Commission and Council would rather have it, if they could get everything together in two weeks and get it to Mr. Orban in a lesser time. Mr. Son asked when was the next Planning Commission meeting. Mr. Orban stated that it would be the second Monday in August, and believed that it preceded Council's meeting. Mr. Son stated if everything was to staff sometime by the beginning of August, and get everything addressed over to the Planning Commission for their meeting on August 9th, and then when Council comes in for their agenda meeting in August, they would be prepared to continue the hearing and actually act on it at the voting meeting in August, which would be two weeks subsequent to that. Mr. Son stated that the agenda meeting would be August 11th, the 25th would be the voting meeting, and August 9th would be the Planning Commission meeting. Those would be the key dates to hit.

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Mr. Glenn Miller, applicant, stated that there really is not a substantial difference between the plans and asked if Mr. Schmitt could explain that to Council. Mr. Son commented that the issue was related to the use and since the use is different than what was originally approved, that raises an issue regarding parking as well as the completion of the existing parking proposed for Phase I. Mr. Son asked if that was correct. Mr. Orban stated that was correct.

Mr. Montgomery stated in looking at the plans that Council received, which were basically precursor drawings and they really do not have architectural drawings. They usually get that if there are changes that have to be made to the building to suit the lessee, the use of the space, and certain modifications sometimes have to be made. Mr. Montgomery stated he was just looking at some of them and there might be a doorway missing, or a simple drawing error because there has to be access in two places for this particular room. Mr. Montgomery stated he was looking at that earlier and asked if these were just preliminary drawings and if that was all they were going to get, because he could see at a glance that there might be some things that might need to be done differently. If the space was going to be used differently than what the building was designed for originally, some modifications would have to be made, and Council would have to see that and document it. Mr. Miller asked if it was not just exterior space, is it interior space. Mr. Montgomery stated he knew there were exterior issues, but there might also be issues with the building itself and he could not tell looking at the drawings.

Mr. Son asked when someone submits a plan and gives a layout for a building, subsequently once they have a specific tenant moving into a space, they are still required to give you that information prior to obtaining a building permit. Mr. Orban stated to get a building permit after you would approve a building, such as Aldi's, to submit for a building permit when the building is built. If there is a change in occupancy or an occupancy is needed, they would have to submit for an occupancy permit. In this case, the outside of the structures are almost done. The two units for this use do not have roofs on them at this time. There are some building permit issues associated with it. Mr. Son asked if those are already approved. Mr. Orban stated unless there are some modifications, such as a change to a wall or something or some internal renovations. Mr. Montgomery asked if that would slow down the process. Mr. Orban stated that would not slow down this review.

Mr. Glenn Miller stated that these people are under a very tight time period because they would like to be in before the Christmas season. They are really not changing the exterior design of the development, and he was not sure if Council understood that. Mr. Schmitt stated that the only significant difference on the plan is when you come into the site, there is parking shown on the right and on the left. The parking shown on the right was for Phase II. When you look at the plan, you might think it was built and in reality, it wasn't. They did have present at the meeting calculations showing that the parking was not necessary for Phase I. Mr. Son stated that those calculations would not do him any good because they are not on a drawing and they are not submitted to staff, and they have not been reviewed yet. Mr. Son stated if the applicant could comply with the timeline, they could have it voted on and approved, or not approved, they could vote on August 25th. Mr. Schmitt stated they would work towards that goal. Mr. Son stated Council was not making sure they were being difficult, they just wanted to make sure they were complying with all the things they have to comply with. Mr. Russ commented with regard to the timeline, even though Council would be voting the last week of August, this hearing would be

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continued only to Council's first meeting in August, which is really when they need to get everything in by and reviewed. Mr. Son stated he would like to see the information in so that Planning Commission can review it at their August 9th meeting.

Mr. Son asked Mr. Miller if he had any problem with Council continuing the hearing. Mr. Miller indicated he would not. Mr. Montgomery commented that according to Gateway, once they get a new plan everything would be fine.

Mr. Russ moved to continue the hearing on the Steel City Bounce Conditional Use (10-09) until August 11, 2010. Mr. Montgomery seconded the motion and roll call vote was unanimously in favor.

PUBLIC HEARING – PROPOSED ZONING ORDINANCE AMENDMENTS

Mr. Russ moved to open the public hearing in conjunction with the proposed Zoning Ordinance Amendments. Mrs. Hunkele seconded the motion and roll call vote was unanimously in favor.

Mr. Son commented that this is a public hearing on some Zoning Ordinance amendments that have been proposed. A lot of them are housekeeping issues, some of them are designed to enhance the position of the resident. For example, the glare in lighting language that is currently in the ordinance for parking lots has cropped up over the years on a couple of projects.

Mr. Orban stated that staff has been working on updating the Zoning Ordinance, along with the Planning Commission, for the last several months. The Planning Commission did come up with several recommendations and Council has had some input on that. The Township went through the process of sending the reviews down to the County and received letters back. At this time, Mr. Orban added some exhibits to the record, which included: Exhibit "A" – copy of the e-mail to the Post Gazette regarding the required advertisement. The Township has not yet received Proof of Publication for the advertisement, and it will be made part of the record once received. Exhibit "B" is a copy of the letter to the Allegheny County Clerk as well as a copy of those proposed ordinance that would adopt the ordinance amendments. Exhibit "C" is a copy of the letter to the Allegheny County Department of Economic Development asking them to review the process, which is an MPC required item and they have 45 days to do that. Exhibit "D" is a copy of the letter from the County as a result of that review, which Council should have in their packets. Exhibit "E" is a copy of the Zoning Ordinance No. 627 with the amendments highlighted. Mr. Orban presented the exhibits to the Clerk for inclusion into the record.

Mr. Orban provided the following summary of the proposed changes to the ordinance. Article 4 – Definitions was amended, adding definitions of domestic and farm animals, adding definitions for parking lots and outdoor lighting, adding definitions pertaining to oil and gas wells and extraction activities, added a definition for small wind energy conservation systems, and clarified other miscellaneous definitions. Article 5 would allow for wind energy conservation systems as a conditional use in a Residential "A", "B" and "C" zoning districts. Article 8, allowing for oil and gas extraction as a conditional use in a Highway Commercial, Light Industrial, Heavy Industrial, and Office Research & Development zoning districts. Additional language allowing

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for alcohol sales as a conditional use in a Neighborhood Commercial zoning district. Language allowing for certain facilities licensed by the PA Department of Corrections as a conditional use in a Heavy Industrial zoning district. Article 9, adding Conservation Subdivision as an alternate residential development. Article 10, adding bufferyard ground cover regulations, amending bufferyard requirement Table to include institutional assembly and educational uses, requiring a change of use approval for certain abandoned uses, requiring approval for non-residential additions and accessory structures, and amending outdoor lighting regulations. Article 11 – regulating location and setback for walls, trees, fences, shrubs, landscaping, irrigation systems, and accessory structures; regulating fence material types, limiting accessory structures sizes by establishing a floor area ratio. Article 12 – providing specific conditional use standards for outdoor food services in Neighborhood Commercial zoning district, and repealing prohibition on mining and drilling activities in the HC, HI and ORD zoning districts, amending regulations pertaining to horses in the RA and RB zoning district. Article 13 – amending handicap-parking requirements, regulating stadium, arena and sports venue parking, regulating parking and storage of certain vehicles and equipment, and requiring use of approved parking surfaces in a residential zoning district. Article 14 – amends sign setback requirements, regulating identification signs for public and semi-public institutions, regulating message boards and changeable copy on identification signs, and regulating and exempting certain temporary signs from permit requirements. Staff also corrected miscellaneous typographical errors and cross-referenced other Township ordinances throughout the Zoning Ordinance.

Mr. Orban stated that after receiving comments from the County, staff did review those comments and would recommend to Council that this public hearing be tabled. Staff would like to comment and possibly adjust the ordinance based on the comments from the County, and any comments that are received from this meeting. Mr. Orban asked that Council authorize staff to advertise as needed because he was not sure how long the process would take. Staff has to modify the amendments and go back to the Planning Commission, and then resubmit to the County for their review and let them review for their 45-day period.

Mr. Son asked if there was anyone in the audience that had any additional comments related to the Zoning Ordinance amendments.

Mr. Charles James, 3175 Henrich Farm Lane, asked what kind of changes with the mining and drilling involve additional zoning districts. Mr. Orban stated there would be a change from the existing allowable zoning area, which is Light Industrial, the proposed amendment would allow for drilling in several other zoning districts including Highway Commercial, Light Industrial, Heavy Industrial, and Office Research & Development. Mr. James asked if they could put in up on front of Walmart. Mr. Son stated that there is going to be additional restrictions beyond just the zoning district itself. For example, it may require a ten-acre parcel. If you don't have a ten-acre parcel that is available on a commercial site, in that area in front of Walmart, then you can't do it. Mr. James stated he would hate to see any more defacing of properties in the community. Mr. Son stated that the Township is trying to be proactive to eliminate the possibility of a judge saying that the Township ordinance does not permit drilling, so therefore, they are going to allow them to put a Marcellus drilling location in this 80-acre parcel of conservation in the middle of a residential zone. Mr. James asked if the changes in the ordinance would prevent that. Mr. Son stated that was correct.

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Mr. Russ moved to continue the public hearing on the proposed Zoning Ordinance amendments and to advertise a date to be determined in order to provide staff and Council an opportunity to digest and disseminate comments received to date. Mr. Montgomery seconded the motion and roll call vote was unanimously in favor.

Susan A. Bernet,
Clerk of Council

Victor D. Son,
President of Council