

**NORTH FAYETTE TOWNSHIP
ZONING HEARING BOARD**

**THURSDAY, MARCH 26, 2015
7:30 P.M.**

The meeting was called to order with Vice Chairman James “Chip” McCarthy presiding.

MEMBERS PRESENT:

Chip McCarthy, Vice Chairman
Jim Bruni, Member
Tim Bish, Solicitor
Cheryl Cherico, Secretary

MEMBERS ABSENT:

George Bartha, Chairman
John Scott, Alternate Member

OTHERS PRESENT:

Laura Ludwig, Community Development Director
Leah Attanucci, Pittsburgh Reporting Services
Kurt Meeske, Clover Group
Mark Schmidt, Hampton Tech
Edward Bashioum
Joyce Bashioum
John Kreutzman, 7411 Steubenville Pike
Randy Eagan, 7432 Steubenville Pike
Scott Uram, 210 Palomino Drive

ADMINISTRATIVE:

Mr. McCarthy asked for a motion to approve the minutes from the January 22, 2015, meeting.

**A MOTION WAS MADE BY Mr. JIM BRUNI, SECONDED BY Mr. CHIP
McCARTHY, TO APPROVE THE MINUTES FROM THE JANUARY 22, 2015,
MEETING. MOTION CARRIED.**

Mr. McCarthy announced prior to this meeting, the Board held an executive session to receive advice of the Solicitor.

Mr. McCarthy said notice of tonight’s hearing was advertised and the subject property posted pursuant to the requirements of the PA Municipalities Planning Code.

Mr. McCarthy asked the court reporter to swear in any witnesses and any members of the public wishing to comment during the public hearing.

The court reporter swore in the witnesses.

NEW BUSINESS

1. Lancaster Land, L.P./or Clover Group Variance Request

Lancaster Land, L.P. and/or Clover Group are requesting variances from the following requirements of Chapter 27 of the North Fayette Township Code of Ordinances, Zoning, as amended (the “Zoning Ordinance”) to permit the construction of a senior housing development in the form of garden apartments and related appurtenances on certain property owned by Catholic Institute of Pittsburgh located at 7430 Steubenville Pike in the B-2 General Business District, currently designated as Allegheny County Block/Lot Nos. 496-A-1: (1) a variance from the minimum parking space requirement of Section 27-302.D and Table 27-6 of the Zoning Ordinance; (2) a variance from the maximum number of units per apartment building restriction of Section 27-703.B.(5) of the Zoning Ordinance; (3) a variance from the one tree per dwelling unit requirement of Section 27-207.1.D of the Zoning Ordinance; (4) a variance from the minimum number of interior landscape islands required by Section 27-207.2.B.(2)(b) of the Zoning Ordinance; (5) a variance from the minimum number of shade trees per landscape island required by Section 27-207.2.B.(2)(d); and (6) a variance from the minimum percentage of shade per parking area required by Section 27-207.2.B.(2)(h).

Mr. McCarthy entered Exhibits 1 through 15 referenced on the Exhibit List into the Record of this hearing. He asked the Court Reporter to insert those exhibits into the transcript as if the Exhibit List was read into the Record.

Exhibits Entered at March 26, 2015 Hearing:

1. Chapter 27 of the North Fayette Township Code of Ordinances, Zoning, as amended.
2. Application to Zoning Hearing Board dated February 24, 2015, along with the following attachments:
 - a. Cover letter dated February 26, 2015 from Mark B. Schmidt, P.L.S., President of Hampton Technical Associates Inc., to Laura Ludwig, Township Director of Community Development, explaining variance requests.
 - b. List of adjacent property owners in response to Application Item No. 9.
 - c. Agreement of Sale dated November 4, 2014 between Catholic Institute of Pittsburgh, PA (Seller) and Lancaster Land L.P. (Buyer).
3. Plan entitled “Existing Conditions”, Sheet C.401, dated December 11, 2014, prepared by Hampton Technical Associates Inc., illustrating the existing improvements on the subject property.

4. Site Plan, Sheet C.101, dated December 11, 2014, prepared by Hampton Technical Associates Inc., illustrating the location of the proposed senior housing development and related appurtenances on the subject property.
5. Landscape Plan, Sheet L.101, dated December 11, 2014, prepared by Hampton Technical Associates Inc., illustrating landscaping for the proposed senior housing development and related appurtenances on the subject property.
6. Allegheny County Property Assessment Office webpages dated March 4, 2015 for property designated as Allegheny County Block/Lot No. 496-A-1 and providing aerial map showing parcel boundaries with subject property highlighted (4 pages).
7. Public Notice and Proof of Publication for tonight's public hearing.
8. Letter from Board Secretary dated March 12, 2015 to Lancaster Land, L.P./Clover Group regarding notice of hearing.
9. Letter from Board Secretary dated March 12, 2015 to Catholic Institute of Pittsburgh regarding notice of hearing.
10. Letters from Board Secretary dated March 12, 2015 to neighboring property owners regarding notice of hearing.
11. Photographs of Notice of Posting (2 pages).
12. Landscape Plan, Sheet L.101, dated December 11, 2014, prepared by Hampton Technical Associates Inc., illustrating landscaping for the proposed senior housing development and related appurtenances on the subject property and highlighting additional proposed bufferyard landscape plantings. [Plan is been revised from Exhibit 5, but no revision date is noted].
13. Plan entitled "Senior Housing", dated March 24, 2015, prepared by Mussachio Architects, illustrating the proposed senior housing development building elevations.
14. Artistic Rendition entitled "Willoughy Hills", dated July 15, 2013, prepared by Mussachio Architects, illustrating the appearance of a senior housing development known as Willoughby Hills in Willoughby, Ohio.
15. North Fayette Township Planning Commission meeting minutes, dated March 17, 2015, regarding Lancaster Land, L.P./Clover Group's conditional use application.
16. Presentation Plan Sheet No. P.101 prepared by Hampton Technical with a preparation date of Dec. 11, 2014. (Entered during the hearing).
17. Computer generated renderings of the proposed facility on the subject property. (4 pages) (Entered during the hearing).

Mr. McCarthy said there were a couple of minor issues the Board's Solicitor wanted to address before starting testimony.

Mr. Bish asked a representative to identify himself for the record because he would be asking him several questions.

Mr. Meeske approached the Board and spelled his name for the record. He said he is the Senior Development Director of Real Estate for Clover Group.

Mr. Bish said the first issue is that the application listed two applicants, Lancaster Land, L.P. and Clover Group. He said the party that has the interest under the sales agreement is Lancaster Land, L.P.

Mr. Meeske said correct.

Mr. Bish said Clover Group does not have an interest under that as stated in the sales agreement so they would not technically have standing although they may be a subsidiary or the parent company. He said his recommendation was that the application be amended on the record of this hearing to remove Clover Group as an applicant so the only applicant would be Lancaster Land, L.P.

Mr. Meeske said he so requested. He said both were used primarily for clarification because Lancaster Land, L.P. is a subsidiary of Clover Group.

Mr. Bish said as part of the Exhibits for tonight, the Board put in place the minutes from the Planning Commission meeting on March 17. During that meeting, it was discussed that the application included a variance request that was not advertised so it was not included on the list that was just read by the Vice Chairman. He said that was a request for a variance from the bufferyard requirements of 27-206.2.A(3). He said there was actually a typo in that request and that section should have been 27-206.3.A(3). Under that provision, the Zoning Hearing Board doesn't have jurisdiction under that specific section to grant a variance since any deviations from that section goes straight to the Board of Supervisors under the Conditional Use process. For the Zoning Hearing Board's purposes tonight, he requested the applicant withdraw the request for a variance from the bufferyard requirements under 27-206.3.A.3.

Mr. Meeske said they agree to withdraw that variance request.

Ms. Ludwig said she had a comment on that for clarification for everyone. She said they would hear tonight that Lancaster Land is still working on their final plan overall and they hadn't submitted for final land development yet; so if they find that they are going to need either the modification/deviation or a variance request, that would have to be re-advertised. She said that was not covered for the Conditional Use hearing for the overall conditional use of garden apartments that was held on Tuesday. She said Mr. Meeske is aware of that moving forward as they finalize their plans and submit for land development that they will need to get whatever necessary approvals are required for bufferyards and the bufferyard is not up for discussion this evening.

Mr. Bish said that was correct.

Mr. McCarthy asked the applicant to present their case.

Mr. Schmidt and Mr. Meeske approached the Board.

Mr. Schmidt said his firm prepared the site plans and the application for the Zoning Hearing Board and he wanted to go through the variance requests one at a time. He said when the parking count was established at 2.5 spaces per unit in the Zoning Ordinance, it was intended for a normal apartment use. He said senior citizens typically have a much lesser use requirement for parking. He said Lancaster, L.P. and their parent company Clover Group operate approximately 20 of these facilities in various areas and have for approximately 7 years. He said they have found in the past with these existing facilities that the actual parking count that they need based on actual usage is approximately one space per unit. He said they are providing on this site 1.2 parking per unit in order to be able to provide a little bit of additional buffer above and beyond what they actually need. In addition, he wanted to note that if the Board was so inclined to grant the variance and they did find that there was a problem in the future, they are only using approximately two thirds of the site. He said there is still another third of the site that would be available if things changed in the future and additional parking would be needed. He said it is in the best interest of the landlord to provide parking for what the tenants need.

Mr. Schmidt said as for the maximum number of units, it is listed in the ordinance as approximately 30 per building. He said he believed when the ordinance was written, it was visualized as a number of separate buildings on a site. He said with the unique senior citizens tenants on this site it is not in their best interest to have to travel between buildings since central facilities are located in the main building area with common areas, recreation areas, etc. without having to go outside.

Mr. McCarthy asked Mr. Bish for clarification on the 30 units per building.

Ms. Ludwig said she apologized because there was an amendment earlier this year that changed that maximum number of units to 30.

Mr. McCarthy said the number changed from 24 units per building to 30.

Ms. Ludwig said yes.

Mr. Schmidt said they have a projected number of units at 128 for this facility. He said they had provided a landscaping plan, but he has a revised plan to hand out to the board with some additional information.

Mr. McCarthy said they would need to enter the new plan as an exhibit.

Mr. Bish quickly reviewed the plan and said some of it was similar to what had already been inserted into the record. He said they noticed on the landscape plan that was provided that there are revisions to the plan, but it did not indicate a revision date on the plan as has the same date as the original landscape plan.

Mr. Schmidt said yes, unfortunately that did happen.

Mr. Bish asked if there would be any need to submit future plans, if they would reference revision dates. He said that would assist the Board greatly.

Mr. Schmidt said certainly.

Mr. Bish entered Exhibit 16 into the record as a plan entitled Presentation Plan Sheet No. P.101 prepared by Hampton Technical indicated with a preparation date of Dec. 11, 2014. He said the last four pages of the packet the applicant just provided are also new documents. He inserted those into the record as Exhibit 17, one document (4 sheets) of computer generated renderings of the proposed site.

Mr. Schmidt said on the landscaping plan, the Board will see a series of trees marked around the building, approximately 53 in number, that represented their attempt to meet that requirement. He said they will notice that there are a lot of other areas to plant additional trees and they are requesting relief from that because they are leaving approximately a third of the site wooded. He said they feel the number of trees in that area would far exceed the additional trees that they are required which is why they are requesting relief to the tune of 53 trees out of the 128.

Mr. Bish asked the reasoning behind that request.

Mr. Schmidt said the reason is that they would be planting it fairly densely around the building on the site and there is no other area to plant additional trees without overcrowding.

Mr. Bish asked if they would be willing to plant the trees on other properties.

Mr. Schmidt said that would be for the owner's consideration.

Mr. Meeske said such as?

Mr. Bish said a Township park property, maybe neighboring properties. H said variances are not supposed to have financial incentives to them.

Mr. Meeske said he understands and the answer is yes. He said they would also make an attempt to increase that number as they finalize the plans of the site.

Mr. Schmidt said the last three variances that they are requesting are somewhat related and he would explain that as he goes along. He said they are requesting relief from the requirement of internal landscape islands. He said he believed the ordinance requires one island every 10 parking spaces and they are requesting relief on that because as a senior citizen, when they park next to an island and go to get out of the car, it presents a safety hazard to have the island right next to the car. He said they consider that a problem for seniors. In addition during winter time, it makes removal of snow somewhat difficult and often incomplete which presents an additional hazard to seniors. He said the fifth request is for the shade trees in the landscape islands and obviously if they don't have the islands, they would not be able to plant the landscape trees. He said the final request is for the shade percentage of 20 percent of the parking area. He said it would be virtually impossible to meet that requirement without the islands and shade trees in the islands. He said that was all of their requests and asked if the Board had any questions.

Mr. Bruni said he had a couple of questions. He said Mr. Schmidt mentioned their experience with the other 20 properties and those having one parking space per unit. He asked if they had any third party information that would collaborate that, any documentation showing specific properties with the number of units, number of parking spaces and how long it has been in operation.

Mr. Schmidt said he didn't have anything like that personally.

Mr. Meeske said yes, that could be provided. He said he has a copy of one that he could get updated.

Mr. McCarthy asked what he would be providing.

Mr. Meeske said it would be a list of properties that have been open for at least three years or more with the occupancy numbers listed and the average registered car counts relating to that occupancy level. He said what he believes they will find is about 87 percent for registered vehicles on the property.

Mr. Bruni said Mr. Schmidt had also mentioned that approximately one third of the property would be undisturbed other than possibly for future parking. He asked if there were any other plans for that other third of the lot.

Mr. Meeske said none at this time. He said they typically don't add buildings to these projects as Mr. Schmidt indicated because these are designed for seniors to operate on a single level and not have to walk on outside stairs like with a multi-family situation with walk ups. He said these are designed so they don't have to deal with the weather if they don't want and have access to the community functions inside the building. By adding a building, it would break that theme and force the tenants into an outside situation. He said they haven't expanded any of their buildings to date.

Mr. Bruni said the location where this facility is proposed really has nothing within walking distance. He asked if their facilities typically have shuttle services or any type of transportation services that are available for residents. He said there are plenty of stores and things close by but nothing within walking distance.

Mr. Meeske said each project is looked at on an individual basis as to whether there is or isn't public transportation available. He said some jurisdictions even have existing senior transits that come to the senior centers and provide co-support. With other properties where that type of assistance is not available, he said they created a shuttle service of some sort whether working with their own or with another group to make sure that something is available to get people typically to a weekly activity off premise and a once a week shopping trip.

Mr. Bruni asked if the parking spots were assigned to the tenants, or does each tenant get one spot per unit? Do they pay extra for a parking spot, how does that work?

Mr. Meeske said typically it is a free-for-all, meaning it is unassigned parking. By having said that, some properties do gravitate towards an assigned parking plan because people will start

fighting over parking spaces. He said they have established a nominal charge for the close parking spaces when needed.

Mr. Bruni asked if a married couple had two cars, would they be charged for an additional car.

Mr. Meeske said that is on a per property basis. He said their goal is to rent these facilities so it is in their best interest to make it work. He said not one thing works in all locations.

Mr. McCarthy asked if there would be assigned visitor spaces.

Mr. Meeske said again, sometimes they do. He said it all depends on how full the parking gets.

Mr. McCarthy asked if they had assigned handicapped spaces.

Mr. Meeske said they definitely have assigned handicapped spaces as per code.

Mr. Bruni said five is all that would be required.

Mr. Meeske said they typically add another space or two at the other entrances. He said there is a big demand for the handicapped parking spaces so they typically exceed what is required.

Mr. Bruni said he thought with the senior situation there would be more demand for handicapped spaces which obviously requires a wider space that might infringe on the number of spaces in the parking lot. He asked if that would be an issue.

Mr. Meeske said they hadn't run into that all that much and it is another thing that is addressed on a property by property basis. He said they had a facility that was operating on the 1.1 type ratio and it was not that full, but there was a big demand for additional handicapped parking. Since they had the room, they did some re-striping and added more handicapped parking.

Mr. Bruni said it looks like there is only one way in and one out. He asked if that was typical in this type of facility.

Ms. Ludwig said typically they are supposed to have two points of ingress and egress. She said she believed that was something that they were looking at in terms of adding another entrance onto Steubenville Pike with their land development plan. She said they have also had applicants in the past that would create strictly an emergency access type of road such as Bright Oaks because the neighboring community didn't want the added traffic coming through their development. She didn't know at this point if that would be an option here. She said they have the other three acres of property that would be undisturbed land in the rear and maybe it could be used for an emergency access somehow. As they develop the final plan, she said that would be something they would need to look at.

Mr. Bruni said that would be something that would be worked out later with the land development plan. He asked how much higher the detention pond would be from the homes on Palomino Drive. He said he was curious when those residents look out their backyard, how much of this facility are they going to see.

Mr. Meeske said it would be approximately 12' to 14' above the adjoining properties.

Mr. Bruni said so their view wouldn't be changing significantly in the applicant's opinion.

Mr. Schmidt said the darker areas on the plan would not be disturbed at all. He said any existing vegetation between their site and the adjoining property owners in those areas would remain unchanged. He said there are also some additional offsite wooded areas that extend the rear yards of some of these properties, but he realized that didn't count.

Mr. Bruni said it would just be the properties on the end of Palomino Drive closest to Steubenville Pike that might be impacted, but the detention pond would be about 12' up from there.

Mr. Schmidt said the detention pond breast work would be about 12' to 14' up from the existing grade at the property line. He said he believed those neighbors were actually a couple of feet lower.

Mr. Meeske said it would be more like 16' in that area.

Referring to the landscape plan, Mr. McCarthy asked Mr. Schmidt if he would explain the retention system that is located in the middle of the parking lot.

Mr. Schmidt said it is a stormwater management BMP or best management practice. He said it is a system of gravel, peat and specially mixed sand that kind of filters the water from the parking lot and infiltrates it into the soil. He said it is not recommended to plant on these types of things. He said on the surface it would just look like a low lying grass area.

Mr. Meeske said it is designed to take the water and infiltrate it into the soil as opposed to discharging it into the offsite stormwater system.

Ms. Ludwig said those are required per the Stormwater Management Ordinance and that is part of the overall site plan to have the BMP and have the pond to help deal with any stormwater runoff issues.

Mr. McCarthy said when they are talking about a general landscape tree and a bufferyard tree on the landscape plan, he asked if there was a distinction in the type of tree.

Mr. Schmidt said the difference is purely for counting purposes because the bufferyard trees are counted and the per unit trees can't be counted as bufferyard trees.

Mr. McCarthy said the 53 trees would essentially be the asterisk looking green marks throughout the property.

Mr. Schmidt said yes.

Mr. McCarthy said earlier in Mr. Schmidt's testimony, he said he didn't feel there were other spots there where they could plant more trees. He said he was curious on the plan where it is

coming off Steubenville Pike, there is a big open area near the entrance. He asked if that area would just be grass.

Mr. Schmidt said it is grass currently. He said they also have a required buffer that would be planted along the road there. He said one thing that they would be looking at is an alternative entrance on the site and they are looking along that area for the second entrance. He said they are also looking at that area as a potential other stormwater management facility. He said one of the concerns expressed by the neighbors is the location of the detention pond and the proximity to their property lines. He said it is permitted to be within the bufferyard as it is; but if they have the opportunity to install something in that other area and reduce the size, they are going to attempt to do that.

Mr. McCarthy asked if the reason they aren't putting the detention pond back where the garage is going to be located was because they feel they may need that area for future parking.

Mr. Schmidt said they had some concerns because the geotechnical report indicated that there is rock approximately 6' to 8' down. As they go back through the property, they are getting more of a cut situation. He said any type of stormwater facility put back there would most likely encounter rock that would not be conducive to infiltration.

Mr. McCarthy said that brings him to the letter that was provided with the application as to what the applicant deems as the hardships on the property for the variances. He asked for him to elaborate on the hardships.

Mr. Schmidt said as far as the number of trees, it doesn't make sense to go in and take out trees and then plant trees. He said they don't want to plant them too close to the building because that would be a maintenance issue. He said they feel with the stormwater facilities and the locations of those along with the access road that needs to loop around the building, the opportunities for planting additional trees are extremely limited. He said they would be willing to provide backup documents on the parking numbers. As for the number of units per building, he said they feel that with this type of product it is beneficial for the tenants to not have to go to a different building to go to bingo or some other activities in the winter time.

Mr. McCarthy said he had mentioned the other properties have been developed in a similar manner for senior housing with one contained unit, not multiple buildings.

Mr. Meeske said yes, one single building.

Mr. Schmidt said the islands are basically a safety concern.

Mr. Bruni said he didn't want to put words in the applicant's mouth but with respect to the parking hardship, it's not really that it is a hardship. He said Mr. Schmidt was saying that it's really that it is not needed. Under the zoning rules, the applicant believes it is excessive.

Mr. Schmidt said it would be a hardship because it would force them to excavate and clear additional land just to provide for parking that in your words "is not needed".

Mr. McCarthy asked if the garages on the back of the plan were included in the number of parking spaces.

Mr. Schmidt said yes, that is correct. He said the other thing that comes to mind with regards to additional parking comes additional stormwater management which would present a hardship because then they would be looking at enlarging these stormwater facilities instead of trying to reduce them.

Mr. Bruni asked if these were all two bedroom units or a mix of one and two bedroom units.

Mr. Meeske said with this particular project, it is going to be a ratio of almost 90 percent two bedroom units and 10 percent being one bedroom units. He said two bedroom units are just more popular.

Mr. Bruni said it has definitely been established that these would be limited to residents age 55 and over.

Mr. Meeske said that is a HUD requirement for this to be established as a senior community.

Mr. Bruni asked if there were any restrictions on the number of people living in the units.

Mr. Meeske said yes, only two people are allowed per the lease. He said they restrict it to two people for two bedrooms.

Mr. Bruni said so it is limited to two people.

Mr. Meeske said yes, a one bedroom is allowed two people that are married.

Mr. McCarthy asked if they intended to put a sign on the property.

Mr. Meeske said they would probably want to put the standard ground sign up that would be allowed per code for the entrance.

Mr. McCarthy asked Mr. Bish if he had any questions.

Mr. Bish said yes, he wanted to go back to the restrictions on age and the number of individuals in a unit. He said they mentioned the two restrictions as 55 years old and over and the restriction in the lease of two persons per unit. He asked if the applicant was willing to consent to a restriction on any township land use approval that would be conditioned on those requirements.

Mr. Meeske said he would be agreeable to a senior housing definition. He said he would need to check with corporate before he could commit to two tenants per a two bedroom unit.

Mr. Bish said he could commit to the 55 and older now.

Mr. Meeske said yes, he could make that a condition.

Mr. Bish asked for the specific number of dwelling units they are requesting approval for since it was a span of 119 to 132.

Mr. Meeske said they are currently dialed in around 128.

Mr. McCarthy asked if that would come out less than 1.2 with 152 parking spaces.

Mr. Meeske said it should come out right at 1.2. He said if it doesn't, it will. He said he was committed to the 1.2 parking spaces per unit.

Mr. McCarthy said he was just reading the Planning Commission meeting minutes and that was prevalent throughout.

Mr. Meeske said the other thing about the occupant's leave is that it does restrict children. He said he believed the lease allowed a child to visit a maximum of three days and then they have to be gone. He said that allows grandparents to host grandchildren for a short period of time.

Mr. Bish asked how many employees are typically in one of these facilities.

Mr. Meeske said there are typically three full time employees, one property manager, one assistant/marketing/activity director and an onsite maintenance person. He said typically the maintenance employee lives on the property for 24 hour support. He said the building does have limited access from the main entrance and its auxiliary exits. During non-business hours, he said it goes to a card key access similar to a hotel. He said they also have a system that if someone would come on site after hours, it rings the unit and actually connects to the television. He said it would interrupt the programming and actually pop up on the television so they can see the person at the door. He said it is a nice feature.

Mr. McCarthy said the person outside can't see the tenant though.

Mr. Meeske said no, that was one of his first questions about it, too.

Mr. Bish said he had mentioned that they would be providing some details on the parking at other facilities. He asked if the applicant had looked at the ITE Parking Generation Manual on what is required for senior housing/independent living.

Mr. Meeske asked if he was referring to trip generation.

Mr. Bish said no, just the parking requirements.

Mr. Schmidt said no, he had not.

Mr. Bish asked if he would take a look at that and be able to provide that with the information.

Mr. Schmidt said yes.

Mr. Meeske said to add a little additional information, he said they are currently working on a project in Bethel Park and the municipality was creating a senior housing classification because

they were void of one. He said a text amendment should be finalized next month and it appears they have agreed to lock in at a one parking space per unit requirement. He said they have four or five senior housing projects already operating in the municipality and find it to be adequate.

Mr. Bish said okay. He said one of the things he did not notice on the landscape plan and he has seen this with other projects is a chart that indicates specific plantings that are required per the ordinance versus what is proposed. He asked if that was something they could provide as well by going through the ordinance so the Board has an indication about what the significance is of the variance from the landscape requirements.

Mr. Schmidt said they could provide that. He said it was an item that they would be generating for the land development plan portion anyway. He said he can tell them as far as trees go, it wouldn't be any additional trees. He said it would be more shrubbery and things like that.

Mr. Bish asked if he could provide that information with what they are going to resubmit it would be helpful.

Mr. Schmidt said yes.

Mr. McCarthy asked if they would indicate both bufferyard trees and regular trees.

Mr. Bish said yes, it should and what would be required in the parking islands per the ordinance.

Mr. Schmidt said the current plan does delineate between bufferyard trees and landscape trees.

Mr. McCarthy said it doesn't give you the number, only a break out of what they are.

Mr. Schmidt said correct, but it does graphically show the difference.

Mr. McCarthy said correct.

Mr. Bish asked what the construction schedule would be.

Mr. Meeske said they are anticipating if things go reasonably well through the site development process to get into the ground before winter. If that process gets delayed for some reason, it would be a spring start in 2016.

Mr. McCarthy asked how long the construction would take.

Mr. Meeske said the construction project would take about a year from start to finish and it would all depend on what time of year they would start. He said if they break ground in the September, it typically takes 12 to 14 months. If they start in the spring, it would lean more towards 10 months.

Mr. McCarthy said normally Zoning Hearing Board conditions specify construction periods so they are trying to glean how long that period would be.

Mr. Bish said that was all he had.

Mr. McCarthy asked if the Township had any comments or questions.

Ms. Ludwig said she had a couple of things to add. In terms of the parking, the Township was more comfortable with the 1.2 spaces per unit given the clientele would be seniors.

Mr. McCarthy asked if there was a reason why the ordinance doesn't contemplate specifically senior housing and just kind of throws it in with Garden Apartments.

Ms. Ludwig said that is something that needs to be looked at as they update the Zoning Ordinance which won't be finished until later this year. She said it is a different model, but in comparison, Bright Oaks is considered Garden Apartments and has two parking spaces per unit as a full multi-family complex. She said it would make the Township more comfortable if the applicant could reserve an area for future parking if that need would arise. She said obviously, their goal is to lease units and be able to provide sufficient parking for those tenants. She said she wanted to apologize that the Zoning Hearing Board did not receive the text amendment when it changed from 24 to 30 units and would get a copy of that to the Board. In terms of overall density on the site, they are under the maximum density allowed. She said if the Board members look at Table 27-2 in the Zoning Ordinance, a B-2 Zoning District allows for 15 units per acre and they have about 10 total acres on the site for about 150 units. She said different lots and different sizes play a part. To use Bright Oaks again as an example, there are multiple buildings, but they have the PRD overlay that allows for that. Here, there is no overlay and they can only have one building.

Mr. McCarthy said that PRD Overlay went before the Supervisors not before this Board, correct.

Mr. Bish said Bright Oaks PRD did not come before the Zoning Hearing Board.

Ms. Ludwig yes, the PRD would have gone before the Board of Supervisors. She said she just wanted the Board to know that they are still under that maximum density in terms of the overall size of the parcel. In terms of the trees, there is significant vegetation around. She said she believed the Planning Commission seemed okay with the amount of 53 trees based on her recollection. If they wanted to try to put some more trees there, donate trees to another area or have some kind of fee in lieu, there have been other applicants that have done so. She said Wojanis Supply did that because they couldn't fit all of the trees on the site so Judy Wojanis paid a fee in lieu and those trees will be put up at the park. She said as for the landscape islands, the shade trees in the islands and the shade tree percentage, the Township doesn't have an issue with that. She said they are looking at those islands as they re-do the ordinance and wondering if it is needed as a provision at all and a lot of similar variance request have been granted in the past. She said that is something that would be looked at moving forward. Last year, the Township updated the Comprehensive Land Use Plan and it was adopted last April; that plan does specify a significant need for senior housing in the community. She said there is a very active senior group here through the Parks and Recreation Department and it has been identified as a definite need in terms of housing needs during senior luncheons and other senior programs. She said this was a site that was identified as a potential place for senior housing.

Mr. McCarthy asked if there were any public comments or questions. He asked that anyone wishing to speak to please rise and state their name for the accuracy of the court reporter's record.

Mr. Bashioum said he was wondering through other buildings they have for seniors if there was ever a time that sales were poor and they had to change to tenants under 55 years of age.

Mr. Meeske said no, never. He said the whole independent senior living is kind of a recent phenomenon. He said going back 20 years, people pretty much stayed in their homes and went straight to nursing homes, a hospital, intensive care and that was it. He said here they are 20 years later; and like many industries, they are going through a revolution and zoning codes haven't caught up in many aspects. He said he does this for a living and the majority of the places he goes, this is not contemplated as a use with its unique requirements. He said municipalities are starting to catch up though. He said to answer Mr. Bashioum's question directly, he said they have not. He said all of their buildings are 97 to 98 percent occupied with waiting lists and they don't see that changing.

Mr. Bashioum said they were just concerned that if they couldn't keep the building full, that it would be expanded to allow anybody.

Mr. Meeske said that would require them to come back to zoning for additional approvals because they would be changing the use classification and it would probably require some major alterations and amendments to get that to happen. He said that would probably be very prohibitive.

Mr. Bashioum said he would hope so. He said he was just wondering if that had ever happened before since they do have other buildings.

Mr. Meeske said right now they have 6,800 people occupying their facilities and there isn't any sign that it is going to stop so they don't anticipate an issue.

Mr. Bashioum asked if there was any area around that they could go and see an example of the Bufferyard A to see what that looks like.

Ms. Ludwig said she would check and see if she could find some examples. She said sometimes it is best to use existing vegetation wherever possible.

Mr. Bashioum said they would just like to see an example.

Ms. Ludwig said the existing vegetation would be the best example because the plants are mature and grown trees where a newly planted bufferyard would be much smaller plantings. She said that is why a lot of times the Township does allow applicants to use existing vegetation. She said even with Bright Oaks, they used the surrounding woods and didn't have to plant a new buffer. She said she would think about it and see if she could find an example.

Mr. McCarthy said that brings up a question. He said when they do make the plantings that they are required to make, and using Nappies' as an example because they had some trees that died and residents complained so they ended planting some more trees, what is the procedure if the

plantings die. He asked if somebody goes around and inspects and lets the property owner know that they need to plant more.

Ms. Ludwig said as part of the land development approval process, all of the applicants or developers have to post a security of some sort whether it be a bond, letter of credit or whatever they want to do, they bond all of the improvements on site. She said that is part of the developer's agreement. When they go to get their bond released at the end, there is an onsite review with the Township engineers and her to check to make sure all of the trees are in place before they can release the bond. She said they aren't going back five years later to make sure all of the trees are still alive, that does not happen. She said she can assure them that they do go out with the set of approved plans to verify that everything has been done per the plan.

Mr. Bashioum asked if it was the Township's responsibility if there was coal mining underneath this piece of property.

Mr. McCarthy asked if he meant subsidence.

Mr. Bashioum said no, an existing mine. He said he has mine insurance where he is at because the property has been mined before and if somebody looks at the coal maps, there was mining underneath this property. He said he is concerned that if they get in there and start doing something, that there would be problems.

Mr. Bish said that would be a DEP issue.

Mr. Schmidt said in the geotechnical report that was prepared for this, they looked at the mine depth and are satisfied that it would not cause any issue for this project.

Ms. Ludwig said that geotechnical report would be part of their land development submittal for the Township engineers to review.

Mr. McCarthy asked if that answered his question.

Mr. Bashioum said he has insurance and didn't want to take a chance on it because right off of his property somebody can look down and see right where it was stripped.

Mr. McCarthy asked if there were any other public comments or questions.

Mr. Eagan said yes, he lives below where the retention pond would go. He asked if the green space towards the bottom part of the entrance area could be used for a secondary detention pond to reduce the size the one in the back. If so, would it be possible that some of the existing vegetation between his property and theirs be left.

Mr. Meeske said that is the intent. He said if they can make the initial pond smaller, they would keep as much of the existing vegetation as possible.

Mr. Eagan asked what the potential impact would be to put a second entrance, exit drive along either of those ponds since there is only one way in and one way out and they would have to put in another road.

Mr. Schmidt said it would have little impact on the ponds themselves.

Mr. McCarthy said their hope would be to make the one pond smaller if possible.

Mr. Meeske said that is their intent.

Mr. Eagan asked if there was any intent to put in a traffic light there. He said when coming up over that hill on Steubenville Pike, it is a little bit of a dangerous intersection with no stop signs.

Mr. Schmidt said they met with PennDOT permit officers at the site and they reviewed the site and were comfortable with the location and the site distance of the entrance.

Mr. McCarthy asked if there was traffic impact study or anything to determine if a light is needed there.

Ms. Ludwig said that is a PennDOT road so that would be coordinated with PennDOT, not the Township.

Mr. Bish asked if they had to do a traffic impact study as part of the land development plan.

Ms. Ludwig said they would need to provide the traffic counts as part of the process. She said it was provided as part of the conditional use and she believed it was 32 pm peak trips.

Mr. Meeske said that trip generation was actually overstated and straight out of the ITE book. He said their experience is that seniors typically don't travel at peak hours. He said as soon as the snow melts at their site in Buffalo, New York, they intend to put the trip generation counters out to track it by the hour to be able to provide that same kind of information going forward. He said ITE hasn't really caught up with these kinds of projects so they want to generate their own. He did want to reiterate that right now the majority of the area all sheds down the hill to the residents down the hill. When they get finished with the project and the stormwater management, the only water that would be coming their way would be a little band and the rest would be controlled and taken over to the storm system and released at the appropriate rate. He said he believes that the residents would see a substantial reduction in their water issues, because it would be controlled.

Mr. McCarthy asked if anyone else had any comments.

There were none.

Mr. McCarthy announced the board would go into executive session at 8:34 p.m.

The meeting resumed at 8:46 p.m.

Mr. McCarthy said during testimony this evening, the applicant stated there was some more information they would provide and he wanted the Board's solicitor to reconfirm those items.

Mr. Bish said the requested items are:

- 1) The applicant indicated they would check with their corporate office on whether or not they can agree to a restriction on the number of individuals living within a dwelling unit.
- 2) The applicant agreed to provide a list of properties that have been open for three or more years and the number of units, occupancy ratio and parking count, parking spaces at those facilities.
- 3) The applicant would also provide the ITE Parking Generation Manual for the related use to this plan.
- 4) The applicant agreed to provide data, whether a table or chart on the revised landscape plan, showing the number of required plantings under the zoning ordinance versus the number of plantings proposed. They would also provide that landscape plan with a new revision date on it.

Mr. McCarthy asked for a motion to close or continue the public hearing.

A MOTION WAS MADE BY Mr. JIM BRUNI, SECONDED BY Mr. CHIP McCARTHY, AND CARRIED TO CONTINUE THE PUBLIC HEARING UNTIL THE APRIL 23, 2015, ZONING HEARING BOARD MEETING AT 7:30 P.M. TO ALLOW THE APPLICANT TIME TO PROVIDE ADDITIONAL INFORMATION TO THE BOARD.

ROLL CALL:	JIM BRUNI	YES
	CHIP McCARTHY	YES

Mr. McCarthy said they are continuing the hearing until April 23 and during that time, the applicant can provide the requested information. He asked if they could provide it a week or so in advanced, it would allow the Board time to review.

COMMENTS:

Mr. McCarthy asked if anyone had any questions or comments about anything. There were none.

ADJOURNMENT:

A MOTION WAS MADE BY Mr. JIM BRUNI, SECONDED BY Mr. CHIP McCARTHY, AND CARRIED, TO ADJOURN THE MEETING AT 8:50 P.M.

Respectfully Submitted,

Cheryl Cherico
Zoning Hearing Board Secretary