

Minutes of the Regular Meeting
Of the South Park Township Planning Commission
South Park, PA 15129
February 28, 2024

Pledge of Allegiance

Notice to Attendees

Notice was read by Russ Bracker.

Roll Call

The meeting was called to order by H. Russell Bracker.

Present: H. Russell Bracker, Patrick Sable, James Waychoff, Adrian Weil and Mark Depretis

Also present were Thomas Bonidie, Code Enforcement Officer, Dan Deiseroth, Township Engineer.

Absent: John Papinchak and Carolyn Yagle, Planning Consultant

Approval of Minutes

Motion was made by Mr. Weil, seconded by Mr. Waychoff to approve the minutes from the November 21, 2023 regular Planning Commission Meeting. All members voted aye. The motion is carried.

**2023 Annual Planning
Commission Report**

Mr. Bracker: We also need to have a motion to approve the 2023 Annual Planning Commission Report and have it submitted to the Board of Supervisors?

Motion made by Mr. Waychoff seconded Mr. Sable by to Approve the 2023 Annual Planning Commission Report and that it now be submitted to the Board of Supervisors. All members voted aye. The motion is carried.

**Kay Plan of Lots-
Minor Subdivision-
Preliminary/Final Approval**

Mr. Bracker: Now we can get on to the work that I am sure everyone is here for. We have the Kay Plan of Lots. Is there someone here to represent the plan? Could you please come forward, and please sign in and state your name for the record?

Greg Gorman, PVE: My Name is Greg Gorman from PVE Engineering and I am here on behalf of the owners (inaudible) Dave and Angela Kay.

Mr. Bracker: So, can you tell us a little bit about the project? And I know that you also are requesting a waiver? If you could give us some information about that and tell us about the project?

Mr. Gorman: Sure, thank you very much. Good evening and thank you for the opportunity to present to you the Kay Plan of Lots residential subdivision. As I mentioned, my name is Greg Gorman, landscape architect for PVE Engineers. Here on behalf of Dave and Angela Kay, the applicant and owner. David is in attendance as well, in the audience here. The Kay Plan of Lots proposes to subdivide two existing lots, 2220 and 2222 Watchfield Drive to establish four resulting parcels. From the existing total lot area of 5.17 acres, .87 will be attributed to each of lots 1-3 and lot 4 will consist of the remaining 2.56 acres. Each of these lots are the remnants, or the vacant parcels, of the Bonnie Dell Acres Development. As such, much of the necessary infrastructure to facilitate construction of residential homes and new lots already exists on site. However, in order to ensure service to lots 1 & 2 of the proposed development, public improvements are proposed: minor extensions of public storm and sanitary sewer mains. Detailed plans for construction, these improvements have been provided as part of the submission for review with this application. The applicant is aware that a developer's agreement and bond will be required as part of these improvements. Given the scope and scale of the plan of lots, of the Kay Plan of Lots, we are requesting that these, we are respectfully requesting that these plans as submitted for preliminary and final be reviewed concurrently. To that end, we have submitted a waiver to the requirement to provide and approve preliminary plan with the final plan application. We feel that this is a reasonable request because ultimately this plan, based on the scope and scale of this plan, ultimately this plan proposes the creation of two new lots, two additional lots from what is existing and minor straight-line improvements of on-site public facilities. Additionally, as noted previously, the majority of the infrastructure acquired to facilitate construction of new homes was previously reviewed and in place as part of Bonnie Dell Acres Development. All of the other required documents aside from the preliminary subdivision plan, applications and fees have been provided for both preliminary and final application checklist. For these reasons, I feel like this is a reasonable waiver request. And at this time, I would be happy to provide additional (inaudible) or answer any questions that you may have with respect to the details of the proposed subdivision.

Mr. Bracker: Okay thank you. Mr. Deiseroth, as Township Engineer, do you have any comments you would like to share with us?

Mr. Deiseroth: Yes, we have reviewed the Kay Plan of Lots and issued a letter dated February 23, 2024. There was a number of documents that was stated by the applicant that were submitted and reviewed by our office. The plan as it is right now is technically complete and complies with the Township ordinances and we would make a recommendation to approve the plan as submitted based

upon that. There are some administrative items that would be a part of any approval that still need to be taken care of such as, the planning module needs to be approved, the cost estimate, the developer's agreement. All the other things that we do after this meeting but otherwise we are recommending tonight to approve.

Mr. Bracker: Mr. Bonidie, as Township Code Enforcement Officer, do you have any questions or comments?

Mr. Bonidie: No comment.

Mr. Bracker: Ms. Yagle, our Planning Consultant, even though she is not here this evening, did send a letter and I believe, Mr. Bonidie, that she has no issues with the plan? Based upon her letter?

Mr. Bonidie: Correct.

Mr. Bracker: Does anyone on the audience have any questions or comments? Please feel free to come forward, please sign in, state your name for the record and let us know what you would like to say as your question.

Ms. Judy Kirklin, 2248 Watchfield Drive: Hi, Judy Kirklin, I live on Watchfield Drive. My family and I have on Watchfield Drive since June of 2000. We have been here a couple times thanks to Quality Rentals, the two older men who represented it at the time, when they talked about making our street a connector to Bonnie Dell and/or making our street a permanent cul de sac. And it was decided not to be connected. We were not to have any part of it. Then there was a second meeting, it could have been a couple years after that, when they decided that Decker was going in but the parcel that's we're talking about tonight are two lots, per parcel, and they said that although it's for Bonnie Dell it is not going to be connected to any Bonnie Dell Street. It was going to feed from our street. And we would have two driveways accessing our street from Bonnie Dell properties and we were told that the parcels were being set up as two lots each because of wet lands and otherwise they weren't going to be developable, buildable. So, I am in shock, right now, that we are talking about subdividing when we were told, here in this room, why it was being set up as it was. The wetlands haven't changed. The permanent cul de sac is there. What has changed to make this viable? How is it buildable, being divided up when there is wetlands? It makes no sense to me.

Mr. Weil: So, this happened before I was on the Planning Commission, obviously, so can you touch base on that a little bit more, the wetlands? Can you just please say that again, to my knowledge, so you were told?

Ms. Kirklin: One of the gentlemen, the older gentlemen from Quality Rentals, stood in this room and told a number of us from Watchfield who were here for that meeting that they were going to put two lots per parcel, okay? So, there will be two parcels.

Mr. Weil: Okay, yes?

Ms. Kirklin: Because that was the only way to make it buildable because they have to respect the wetlands. The wetlands cannot be touched. So, I am in shock that the engineer, Code Enforcement, and this Carolyn woman don't see any problems with dividing up these properties. Are we going to let these wetlands be demolished and build on? I don't think that's allowed.

Mr. Deiseroth: Can you comment on the wetlands?

Mr. Bracker: Yes, please step forward and do we know where the wetlands are?

Mr. Gorman: I can, yes and thank you for your comments, Mrs. Kirklin. We are aware that the Bonnie Dell Acres Plan (inaudible) to wetland areas. Those who are familiar with the site, there are two large (inaudible) and the Bonnie Dell Acres Plan did previously identify those as wetlands, however on March 2023, several years after the original Bonnie Dell evaluation and the development that has occurred on the site, a fresh, for lack of better terms, wetland delineation report was executed by Gailey Environmental in March 2023. That report is very detailed and is supplied with this application and it shows following the DEP standards for wetland delineation report. The investigation that was performed in those areas, and ultimately the result is that they no longer meet the definition of a wetland as they do not provide all three criteria, those being hydrology, soils and vegetation. And the absence of any of those three criteria in an area does not meet the definition of a wetland. As I noted, that is very, is detailed very thoroughly and provided the report by Gailey Environmental.

Mr. Weil: So, could you repeat that again?

Mr. Sable: Wait one second. Judy, did you hear that answer, because I am having a little trouble hearing.

Ms. Kirklin: No, we can't hear anything he says.

Mr. Weil: Can you speak up into the microphone please? Bring it closer to you.

Mr. Gorman: Certainly, yeah, I'll just reiterate.

Mr. Sable: Yeah, that is the recording mic, but they need to be able to hear what you are saying.

Mr. Gorman: Sure, yes. So, on March of 2023 a new wetland delineation was prepared and investigated on site by Gailey Environmental. And as part of that exploration on site, they did test pitting in the previously identified areas of the Bonnie Dell Acres Plan identified as delineated wetlands. Their report followed the standards of DEP regulations for site investigations of wetlands, and found that those areas do not meet all three standards that are required to be defines as a wetland. Those being hydrology, soils and vegetation. The absence of any one of those, an area is not considered a wetland. So, for those reasons as detailed thoroughly in the report provided, those areas that were previously identified as wetlands, no longer satisfy the definition of a wetland.

Mr. Deiseroth: But there is still one remaining wetland, it is on the larger lot.

Mr. Gorman: That is correct. I will explain that here and show you.

Mr. Sable: Dan, do you know, was there a report that was issued around the year 2000, 2001-20002 whatever that identified them as qualified wetlands at that point? That you are aware of?

Mr. Deiseroth: We can research the Township files.

Mr. Sable: But this one supersedes, this would supersede that?

Mr. Deiseroth: Yes.

Ms. Unknown: Who (inaudible)?

Mr. Sable: I am sorry, I didn't hear you?

Mr. Audience: Who financed the study?

Mr. Gorman: I believe the applicant/owners. David, can you confirm?

Ms. Audience: Who?

Mr. Bracker: The applicants.

Mr. Gorman: Which would be standard right of anyone looking to prepare work on a project site or to consider to do their due diligence, you know, in this sort of scenario where you are doing any sort of construction where you are considering purchasing property, it would not be at all uncommon for a potential owner to pursue the services of Gailey Environmental or someone else to perform wetland delineation. But, as Mr. Deiseroth noted there is, they did determine that there was a previously undelineated wetland that does occur on site. That is shown on our subdivision plan and is absolutely beholden to a chapter 15 permit basically saying you can't disturb without the required permissions. And there is no intentions to disturb it.

Mr. Sable: But the lots that are in question here, don't infringe upon that wetland property? Or is it a part of the property?

Mr. Gorman: The delineated wetland as per the Gailey Environmental report exists entirely on proposed lot #4. And there is no intended disturbance or work to be performed within proximity of that wetland.

Mr. Sable: But on Lot 4 there could be, that parcel could be built upon?

Mr. Gorman: That is correct. In fact, it is the largest parcel of the three. It is 2 ½ acres or better and that, and there is significant area. In fact, lot 4 is very nearly the existing western most lot that exists there today, that was (inaudible) to be developable.

Mr. Sable: Okay, so you folks I don't know if you heard, I asked Mr. Deiseroth if this most recent investigation determining that the lots could be built upon superseded any previous reports that may have existed and many of us don't know, unless maybe Jim (Waychoff) you could remember that. So, what we are dealing with here, what is put in front of us is we have a plan that says that it is buildable, that the lots that may have previously been identified as wetlands don't meet the criteria of wetlands any further except for the one parcel, the one part on the parcel, man plot #4. Am I right Dan is that pretty much?

Mr. Deiseroth: Correct, yes.

Mr. Sable: Just so you understand what we are trying to consider here as a part of this determination.

Mr. Deiseroth: And just for the public, we require this information to be submitted. We don't go out and duplicate the work that they do. We have to trust that this information and these people are professionals. We are aware of the organization, we know the organization, they are capable of doing this. If the developer would be out, you know, and doing something along wetlands that were actually wetlands, they're subject to huge fines and penalties and all sorts of other things that would go on.

Mr. Audience: Wouldn't it be a little bit too late at that time? Wouldn't the committee be better served to investigate; we're talking about changing something that was wetlands once ten years ago to say that it is not wet any longer. Wouldn't the committee be doing its due diligence for the existing tax payers to investigate that on their own as opposed to accepting it from the paid examination from a new homeowner that just wants to divvy up the land?

Mr. Deiseroth: That is not typical of what, I mean I am aware of these reports and we review these reports all the time. They did them in accordance with the current standards that are required to prepare the report. Again, this is a professional organization. We have to trust the information that they prepared and submitted. And they are liable if it's erroneous or in error. But, and again I am not advocating for this project, all I am stating is that I've seen situations where things were delineated at some point as wetlands and they do change over time. Like maybe at the point in time that the road was constructed, before that there was water getting here or something else that was going and creating the wetlands. So, if you take away the source of the water, sometimes that changes the consistency, but again, they have something to back this up. We can comment, I can review it with the manager and see what she says but we typically have to accept the information that is submitted and, you know, as being prepared by other people. These people are professionals, they are putting their name on the plans, that is the way it works in the world.

Mr. Audience: That is all fine and good until people start getting water in their basements.

Mr. Sable: You know what, one second, because we are recording this, we need to know who you are and where you reside.

Mr. Christian Kinevy, 2224 Watchfield Drive: Okay my name is Chis Kinevy. I own the lot closest to the plan. I would invite any of you folks on the committee or the Engineer or the Code Enforcer to stand in my yard after a good rain.

Mr. Sable: Well, what is happening Mr. Kinevy?

Mr. Kinevy: I can't understand how it cannot be wetlands all of a sudden.

Mr. Sable: Is there flooding going on or what?

Mr. Kinevy: Certainly.

Mr. Sable: Okay, well that is what, you have to inform us.

Mr. Kinevy: That is what I am here to tell you, my yard and my next-door neighbor's yard.

Mr. Weil: I'm sorry, could you come to the podium and sign in and then just reelaborate and tell us what you know and what's going on? Thank you.

Mr. Kinevy: I'll tell you while I am signing in. It is still very wet; it is wet there all year round. Stand in my yard in the end of June after it hasn't rained in 3 weeks and it is very soft.

Mr. Deiseroth: So, there is three criteria to establish a wetland. I think they talked about that already.

Mr. Kinevy: Yes

Mr. Deiseroth: They have to have soils, vegetation and a water source. So, you can have one or even two of the other and it wouldn't be considered a wetland. So, again I didn't prepare this report. Again, we accept these, that was a concern when they initially came in, we asked them to provide this information. They provided it to, you know, and that is what we accept. I mean, is your concern that and I mean I am just asking because I know what people's concerns are typically when other houses are built, are you concerned that this will affect your property?

Mr. Kinevy: Absolutely, I think we are all here for that reason.

Mr. Deiseroth: So, there is, I mean as it relates to water, there is a storm sewer on the property that all of the connections for any of the development of these lots would be collected and tied into the storm sewer system that is (*inaudible because Kinevy speaks over Mr. Deiseroth*). So, it wouldn't

Mr. Kinevy: On the street, what about the pipe that sits on my property line with this property right over here? That sucks up a tremendous amount of moisture every time it sprinkles.

Mr. Deiseroth: I am not, so you are on that side? The far left there?

Mr. Kinevy: I am assuming this is my property right here. There's a gigantic culvert (?) it is probably a 10-inch pipe that sucks water in it like a fire hose every time it rains. And I believe it funnels to a catch basin right here which was a big wetlands area which again fills up with water after a good rain. Again, I am the guy that is there all the time. What happens to this pipe?

Mr. Deiseroth: Okay, yeah that pipe is not delineated on the plan.

Mr. Kinevy: That's a great plan.

Ms. Kirklin: That is why we are here, I mean.

Mr. Deiseroth: Are you aware?

Mr. Gorman: Is it public infrastructure?

Mr. Deiseroth: We don't have public infrastructure there, is it a private pipe, is it a fascia pipe?

Mr. Kinevy: I don't know what it is, it is a 10-inch plastic pipe.

Ms. Audience: Its white right?

Mr. Kinevy: No, its like grayish that is open without a grate on it, and it collects the water that comes running off that hill after it puddles there and the land that is not wetlands anymore and sucks it away.

Mr. Sable: Tom, are you aware of this?

Mr. Depretis: Where do you think it goes to?

Mr. Kinevy: I believe it runs to, through

Ms. Audience: The huge ravine.

Mr. Kinevy: No, I believe it runs through here, there is another big catch basin right there. You guys go on the facility?

Mr. Gorman: I haven't had boots on ground, myself.

Mr. Gorman and Mr. Kinevy looking at the drawing and pointing and discussing a bit-hard to hear

Mr. Gorman: In the scenario you are describing, it would drain to the existing inlet here, that storm system still exists so such facility is there so its reasonable that it could be connected to the existing storm infrastructure that is there and continue to drain as

Mr. Sable: I think we need to know if it is or if it isn't. I mean I don't want to deal in conjecture here. We need to understand you know, the concerns that they are bringing forward to us. Tom, are you aware of any of this?

Mr. Bonidie: No, not of this pipe.

Mr. Bracker: I think, Mr. Kay would like to speak.

Mr. David Kay, Developer/Owner 2220-2222 Watchfield Drive: Please, thank you.

Mr. Bracker: Please sign in, state your name for the record please.

Mr. Kay: Good evening, Township Council Members and future neighbors. So, not the way that I would have like to have met all of you but I am going to try to speak without my (inaudible) as best I can. So, my wife is born and raised in Baldwin-Whitehall area.

Mr. Weil: Sir, your name was?

Mr. Kay: My name is David Kay. My wife Angela Kay and I bought the properties in South Park for the purpose of moving there. I am originally born and raised in New Jersey. My wife is born and raised here I Baldwin/Whitehall School District K-12. We met, we got married, she has been living in NJ with me, we have family. As my older son gets off to college, younger daughter is going to be attending the South Park Middle School in approximately 16 months. The goal is to be building our property, which on the plans is the largest of the four lots, which is basically being pretty much undisturbed. The wetlands that was being discussed on that far eastern side of the lot which is the 2.5

acres has no bearing on where we are going to be placing a house or anything else. We understand that is going to exist. To answer the concerns and questions about the water, wetlands are only good, and I didn't know this two years ago but I do know it now, wetlands by the DEP and the EPA are only good for 5 years. So, the plans that you are referring to that were from 1999, by the individuals who owned the lots previously with Quality Rentals, those were only good through 2004. We did pay for as a potential purchase, we wanted to make sure that we were purchasing land, we would have the same concerns over wetlands not just for us but also for neighbors. And what was found by Gailey, which is a regularly used organization from an engineering standpoint, and for DEP standards, by this Township and every other Township within 50 miles of here which is why we hired them, they're the best and they're most notably rated for it, they deemed that it is not wet. And frankly today, when I was (inaudible) we just drove in from New Jersey this morning, I did purposely walk the entire property today. And anybody who is a neighbor may or may not have seen me around the 3-4 o'clock period, because I was there. And after mowing that lawn by hand for the last year, after trying to maintain it, not just for curb appeal but also to get it for in preparation for what we are planning to do. Which I am happy to speak to and rest assured that we are not trying to (inaudible) anything harmful for anybody here including ourselves. There is no such water in those, what do you call them the pits, the depressions. I was there today. If anyone would agree that it has been raining quite a bit over the last 90 days, especially over the last 36 hours, I purposely did that in anticipation that there might be some concerns. Now listen, we can take people's word for it one way or the other. That's not the point. We have professionals, we hired PVE, they are the largest professional engineering firm in Pittsburgh. We hired Gailey, which is the largest, so you know at the end of the day we did all of our due diligence. We spent a lot of money doing this. The purpose of the subdivisions meets all the criteria from a legal and from a Township operational standpoint. This is not something that we willy nilly put together and I am sorry if you may or may not appreciate or agree with this, but all we are trying to do be able to make these lots buildable which originally was the plan. I can take other questions as they may come along but I think from a standpoint of wetlands, they are not considered wetlands by the individuals and the firms that we hired and we have paid. And so, people are entitled to their opinions but there are also expertise and we paid for that expertise so, I would beg to say that is why we have people that have certifications and credentials who are certified by Boards and by State certifications. I can appreciate as neighbors you do have concerns. Listen, I have lost 2 homes due to flooding over the last 25 years of my life. I lost my home to Sandy (hurricane) and I lost my home due to Ida (hurricane). That was only two years ago, okay, so I know what flooding is like. I've lost everything twice, okay, so I can appreciate where everyone in this room has concern about flooding but that is not the concern here. I am trying to be as polite and respectful as I can about it. We paid good money for the professional services to be able to articulate. And if there was, then no we wouldn't have been coming forward saying that we have proper documentation and we've gone through proper steps to possibly build our property and the subdivide the rest for you know, for sale for other people to do what they need to do. So, I'll pause there and see if that at least, yeah please?

Mr. Deiseroth: Can your professional describe for the audience the drainage patterns on this property and how potential houses would be collected and carried away from them so they can understand. Because my interpretation is that all the water, none of the water from this development will be onto your property or any of the adjoining properties. It will all be collected into the storm sewer and brought down to their storm system.

Mr. Kay: Real quick, from a nonprofessional standpoint, just in a layman's terms. So, there is an existing storm water that was there for 25 years. As all of your homes on Watchfield, Bonnie Dell

and Decker have all been built, that storm water goes across what would be considered, we are keeping this piece here, okay this is our property where we are looking to build and we are looking to live, we are looking to be your neighbor, my daughter is going to be in South Park Middle School like I said in 15 months starting 6th grade. It's existing right now, and catches around the entire cul de sac. The only addition that is part of the bond that we have to post for is, which is not us, because it is a performance bond and I am not getting behind and dredging the thing, we are hiring professionals to do that, it's going to extend it for lots 1 & 2 which it doesn't reach all the way. That is the only modification to what needs to be done from the existing utilities and service ability, if I am saying that correct, from a sewer and from a storm water so forth. So, now from a professional standpoint, you can see it goes literally around the entire cul de sac so as water drains down based upon gradient and elevation, it catches all the water.

Mr. Unknown: Where is all your water going, if you are building on the right side, because you are going to be, it is all going to come across here and go into here? This is my lot here, okay? And I am just wondering if you are going to build here and all your water is coming over there, that is what you are saying?

Mr. Kay: Sir, storm water is literally right there, it is in place.

Mr. Unknown: Okay, so you are tapping into the Storm?

Mr. Kay: Well, it is existing, it is there right now.

Mr. Unknown: And that is the Sanitary right there, so you are tying into both of them and I just want to make sure that is not coming that way.

Mr. Kay: Yeah no, not at all

Mr. Sable: Gentleman, I am sorry could I get you to say your name so we could at least record it?

Mr. Frank Visco, 2225 Watchfield: My name is Frank. I live on the other side of the cul de sac.

Mr. Sable: Frank and that is okay, could you tell us your last name for the record?

Mr. Bracker: Could you sign in also please?

Mr. Visco: Visco, yes.

Mr. Sable: So, Dan part of the question comes, it sounds like we have two issues going on here. One for the existing properties, that they are running into water problems. But the question becomes, does the other properties that are being considered for this development cause any further problems for the people that are already there?

Mr. Deiseroth: Not in my opinion, it all drains away. And part of when they came into us, Mr. Wargo was present. He's been around and been through the whole Bonnie Dell Plan. We talked about this, we went out and looked at the property together and the issues that we saw were really concerning how they were going to develop their property. I didn't see any issues that would affect the adjoining properties when I looked at the property myself. And one of the things we wanted to make sure of

was that when these lots are built, that they can be constructed upon and there will be a tap for everyone to tie in their stormwater so that it doesn't flow onto other people's properties or cause an issue and eventually this water gets into the storm water management plan that's already been done for Bonnie Dell.

Mr. Sable: So, Mr. Kinevy, you can see what we're trying to clarify here. Does development of these four parcels cause any further damage or any further issues that you brought forward? And it sounds like there is an issue there already that needs to be addressed.

Mr. Kinevy: Absolutely.

Mr. Sable: But I am not sure that this causes any more of a problem to that, to the issue that already exists.

Mr. Kinevy: I don't see how you can assume that.

Mr. Sable: I am not assuming it. I'm just, I'm asking.

Mr. Kinevy: I mean you're going to take an already existing wetland area and then you're going to develop it, you're going to put a two-lane driveway in and where is that water going to go?

Mr. Sable: Mr. Kinevy, and that is why we hire professionals here to give us that expertise.

Mr. Kinevy: I mean, this professional doesn't even know the pipe was there.

Ms. Unknown: He didn't even know the pipe was there, how do you not see the pipe?

Mr. Kinevy: I mean, I appreciate Mr. Kay spent a bunch of money hiring those firms but it doesn't appear to be the case.

Mr. Sable: But, does that have an issue with the development of the other properties? That becomes the question. I understand your concern.

Mr. Kinevy: You're going to increase water run off when you build four houses on a piece of property that doesn't have any houses on it actually.

Mr. Sable: But they're saying there's tap-ins.

Mr. Depretis: But you don't always, because the water that would have gone into that property, that is coming off the roof now is going into the storm sewer. The driveways, correct me if I am wrong, requires, I know when I put my driveway in and we all live in South Park, I was forced to put a drain in my driveway to put it into the storm sewer. And I know when I just bought another house in South Park they came and did a dye test to make sure that I wasn't putting any storm water into, you know, the sanitary sewer and vice versa, but.

Mr. Kinevy: You can drive down Watchfield, and you might find two driveway drains. The reality is the driveway, given the configuration of these lots, the driveway is going to be a lot bigger than the roof of the house.

Ms. Unknown: You are talking four more driveways, how many on that cul de sac? That's crazy.

Mr. Depretis: Right, and it all depends I guess on how that is developed is where that water, if that water runs to the street, it runs down to the storm sewer, that's different than if the water, like my house my driveway goes around the back of the house so my water would run off it would go into my neighbors back yard if it wasn't.

Mr. Kinevy: The grading of these lots are going to drain right down to the cul de sac.

Mr. Deiseroth: There's a catch basin in the cul de sac.

Mr. Kinevy: Yeah, I am about 400 ft away from the catch basin in the cul de sac. That cul de sac drains unbelievably, horribly, not well.

Mr. Deiseroth: It backs up and floods onto your property?

Mr. Kinevy: From the storm sewer? No, just in general. There is a constant pool of water at the curb of the cul de sac.

Mr. Deiseroth: And that would be understandable. There is one catch basin at the bottom of the hill and the water, you know, everything rushes down from the top of the hill. But it goes from, I don't feel like I want to explain your plan, you are a landscape architect, tell these people how the property is going to drain.

Mr. Gorman: I apologize, I just didn't want to jump in and interrupt.

Mr. Deiseroth: Oh no, I don't want to explain your plan, please explain to them, because you know.

Mr. Gorman: Speaking directly to the stormwater concerns right, there's the question of drainage right, the current site obviously drains in a primarily north to south direction towards the cul de sac right. There are currently three total inlets that (inaudible). The two within the large depression and the one within the cul de sac. The development of these homes in each one will provide significantly more opportunities for collection via the roof, gutters, downspouts and things of that nature across the entirety of the site thereby being able to catch, providing more opportunity to catch a larger square footage of rainfall, all of which would be connected to the public storms and sewer system which is directed to the storm basin that was developed as the Bonnie Dell Acres Plan. With respect to the square footage of impervious area that would be added, Bonnie Dell Acres and that storm facility when it was designed considered the development of 101 total lots. Phase 4 which was, never was developed, but was considered as part of those 101 lots consumed the majority of this land area that we are discussing. And also, two lots in phase 3 ultimately became or assigned there the 2 lots that are there now. So, you have 16 total lots that were accounted for in terms of the contributing impervious area for this acreage, 5.17 acres that we are talking about here now. And based on the stormwater management report compared to Bonnie Dell Acres that results to a little better than approximately 32000 square foot impervious area that could be attributed to each of these lots and accommodated by the existing storm facilities there. On top of that, that is conservative estimate, because there were also public roads were supposed to be included as part of phase 4 Bonnie Dell Acres which were not and will not be constructed. None of that impervious area is even considered

in the square footage, of allowable impervious being attributed to each of these four lots. So, from the standpoint of the stormwater management facilities that are in place that were designed per Ordinance and as well for the NPDES permit for Bonnie Dell Acres, these plans are providing, or that facility has above and beyond the required volume to accommodate what is being proposed by this subdivision.

Mr. Deiseroth: Just to speak more in layman's terms. That's a pretty technical explanation. Everybody agrees that this is the low point, right? The road comes down, everything flows to this point right here. These lots will all drain, these lines here represent points of elevation on the plan so when they put the house in let's say on this lot here, it will drain in this direction, not towards anyone else on the property, and then when they tie in all the drains, it will tie into a storm sewer. This storm sewer goes all the way through here, comes down and eventually goes to the big pond. Everyone know where the pond is over on the other side? That's where the water goes. This lot here,

Mr. Kinevy: I disagree with that completely. When that first lot goes in, that water is not going to necessarily completely drain down, it is also going to drain into my back yard. Which will come down to the way it flows right now, which is the wettest spot which is actually a little bit of a valley before my yard starts to rise up.

Mr. Deiseroth: So, this land, the high point of this land is Elevation 1126, and the point where it would come down on the property, it falls all the way down to Elevation, approximately, 1098. So, there is about 28 feet of fall in this direction. These contours, again as represented on the plan, I didn't survey it, but this water goes in this direction. Water flows perpendicular to these lines. So, all of this water is directed in this direction away from where you will be.

Mr. Kinevy: I don't see it happening but

Mr. Deiseroth: Mr. Bonidie will be watching the houses go in. He won't let, we have ordinances that would prevent, you know, people from draining directly onto your property.

Mr. Kinevy: What happens when the ground settles, is he going to come back every day?

Mr. Deiseroth: I am just trying to give you a reasonable

Ms. Unknown: None of you even knew about this pipe, (inaudible).

Mr. Deiseroth: Let me address the pipe. I am not aware of it but I will be glad to come out with the Public Works Director and see you guys and we can look at the pipe and see you guys and we can look at the pipe and see what it is. It is not a part of the Township's infrastructure. I don't know if it's related to your property or if somebody else put a pipe in t some point in time. It wasn't these people that I am aware of so we're glad to take a look at that for you and figure that out. But I just want to assure everybody that the plan that has been presented will not be increasing drainage. If anything, all the drainage from above comes here and eventually gets to the pond.

Mr. Kinevy: What's the guarantee on that? Is there going to be like half a million dollars put in escrow so when my house is unsaleable?

Mr. Deiseroth: Let me just say, again I am not here to advocate for the job, I work for you guys, I work for the Township. I am the Township Engineer. My job is to review these plans and my biggest concern when I reviewed these plans is are they affecting other properties? And in my opinion, this plan is not affecting your property. In fact, we are making the developer spend money and do additional things to take safe bars and make sure that when these lots are all purchased that the stormwater will be addressed. So, again, that is all I can tell you. I mean you have to trust. I have been in this business for almost 40 years, I have worked all over Western PA. Stormwater is my life, I know it, I deal with flooding, help people in flooding situations. Again, I am not here to advocate but I wouldn't let you be hurt.

Mr. Kinevy: But you offer no guarantee?

Mr. Deiseroth: I can come out and meet with you and explain it to you in person.

Mr. Kinevy: I live there, I understand it though. I am the one that's there all the time. I know what I've seen in the years.

Mr. Deiseroth: Have you been flooded from this property already?

Mr. Kinevy: Yes.

Mr. Deiseroth: How?

Mr. Kinevy: My actual house, no. The yard, yes. The driveway, yes. I have had multiple landslides in my back yard. It is a very wet area.

Mr. Deiseroth: Well, I understand that.

Mr. Kinevy: And for profit, we're dividing this up is essentially what this comes down to. We're jeopardizing existing people's property for another man's profit. And it doesn't seem like that would serve the best interest of this committee or yourself.

Mr. Deiseroth: Number one, the Township has rules on how you can subdivide and if the developer meets the standards of that, the Township has no way other than to approve the plan. So, by law the Township is now (inaudible due to someone coughing) the criteria for the size of lot that is being presented, all of the information that as been submitted to support that so, we as the Township have to review it and respect it. I am glad to come out like I said and review the property with you and explain it to you and have a sense of what is going on and how this will affect it. If you would like to do that, I am more than glad to do it.

Ms. Unknown: Alright, putting the water aside, you are talking about connecting, if you sell them all, four more driveways to that radius of cul de sac. Adding that much more traffic to our street which is one way in and one way out regardless that you keep referring to it as Bonnie Dell Acres. It is Watchfield Drive. You can call it Bonnie Dell all you want but it is our plan and we are Piney Bluff, er Piney Ridge I'm sorry. We are Piney Ridge. Those properties aren't connecting to anything that has to do with Bonnie Dell. They don't connect to Decker and they don't connect to Bonnie Dell.

Mr. Deiseroth: Okay, so, there's two existing lots there right now.

Ms. Unknown: And that's how they were told to us it was going to be. Two driveways that's it, not four.

Mr. Kinevy: When we all bought this property, knowing there were two lots. We made our decision; we spent our money knowing there were two lots there. And now all of a sudden, for profit, we're going to divide them up.

Mr. Kay: I am going to speak to that please? I'm sorry, and again we're going to be neighbors three lots over but respectfully that's not fair because you think it's about profit. I have dumped over a quarter million dollars into this. Don't think there's profit, okay? Let me just make this crystal clear. And the additional extension is going to cost another \$150,000.00 to ensure that your property and anybody else that may even think that their property is going to be hindered, even though there's professionals in the room that are saying that it is not going to happen.

Ms. Unknown (*interrupting Again*): The Professionals didn't even know the pipe was there.

Mr. Kay: Your pipe has not been shown on any map.

Ms. Unknown: Have you seen the pipe?

Mr. Kay: Maam, I am sorry, again, under these circumstances you're both coming in here disrupting what's been a ten-month project.

Everyone is talking over themselves

Mr. Weil: Calm down, one at a time please. Excuse me, we have to have a little bit of form here.

Mr. Kay you can speak. Maam when he is done, please feel free to approach and speak your opinion, thank you.

Mr. Kay: I am not trying to cause any harm to anybody, I am looking to be a neighbor with my wife and my children. We have brought in the best companies that have been your neighbors and businesses that do all these things for the last 50 years. For the last 25 years the Bonnie Dell Phases as PVE, our engineer, keeps saying, this land was supposed to have 11 houses. ELEVEN! Currently it is zoned for two, we are adding two more. It is going to be a total of Four. You want to talk about traffic, maam, that's fine, we are talking about it is one way in and one way out. I understand that and I can appreciate that. But there's nothing unlawful that is being proposed here. You are talking about there's two driveways versus four? It has no bearing on traffic patterns, it has no bearing on anything that is reasonable. I am sorry, you may not want to see it because you like seeing the empty land there for cul de sac (inaudible) and that's fine. But what you're doing, it is not a reasonable reason for the Township to say no. Because of your personal feelings.

Ms. Unknown: Nobody spoke up when we thought that there were going to be two properties on those parcels. Nobody said Boo, you're the one that is changing it all and disturbing it.

Mr. Bracker: Your name please?

Mr. Keith Cecotti, 2233 Watchfield: Good Evening, my name is Keith Cecotti, I live at 2233 Watchfield. I've lived there for 27 years. I didn't come here thinking that you guys were the water authority or the runoff or the wetlands authority, you guys are the Planning Commission. And what we are talking about is putting, dividing these two lots into four lots. Now, despite all this talk about Bonnie Dell, okay and as everyone here has told you, this Watchfield Drive is the Piney Ridge Plan. I moved in there 27 years ago. Twenty-seven years ago, it was two lots, it wasn't eleven, it was two.

Mr. Kay: What year was that?

Mr. Cecotti: 1997, Two lots, two big lots. The wetlands were wetlands. Now, we can't hide the fact that one of them is a wetland so that they conceded to that. I don't know about this study, but if you go there, I can tell you there's soil there, there's vegetation there, and there's water there. Okay, it looks like a swamp. There's a big depression. If you go to the end of the cul de sac, there's a big depression here to your left and then there's a big thing to your right. So, it would negate these two lots on the left both having driveways unless you fill in that piece of land. So, this gentleman comes from New Jersey and he has a study that says that oh that's no longer a wetland. It was a wetland for the last 27 years, but somehow it is not a wetland anymore. And we are going to fill that in so, again from my perspective it looks like you went 'well I want to put my house on this big lot and then to pay for it we'll divide the other lot into three so that we can have three little other homes there'. So, the fact of the matter is that unless you significantly change what's there right now you can't put four lots there. It's two, it would work for two, I agree with everyone, it would work for two, it has always been two. I bought my house knowing that there was going to be two houses in that cul de sac. It wasn't going to look like some of these plans where we jam houses everywhere. That's not what our plan is about. Our plan is nice, I like it. We have nice yards, we're not too close together, we're not right on top of the street. And now all of a sudden, we are going to take an area that for the last 27 years has been 2 lots, and now oh we're going to jam three, we are basically going to build one house on one lot and then we're going to jam three houses on the other one. And despite Mr. Kay's protestations that this isn't about profit, that is what it seems like to me and I just don't think again as the Planning Committee, beyond wetlands, beyond runoff, which needs to be looked into apparently, I just don't think it's good for the neighborhood. So, that's my two cents.

Mr. Weil: Thank you.

Ms. Diana Ifft-Cecotti, 2233 Watchfield Drive: Hi, I am Diana Ifft-Cecotti, Kieth's wife at 2233 Watchfield Drive and I've been living in the neighborhood, going on wow, a little over ten years now. First, I want to thank Mr. Kay for taking the time to do the study and to get the DEP with the wetlands and the studies done. In the South Hills of recent years, and I'm going to speak to a little bit of the environment here, everyone keeps, that's all you hear in the news and the media, the environment. How do we help the environment, how do we help the environment. And the one thing I have liked throughout South Park since I have lived here is that we try to keep a conscious eye on the environment. We have tried and, in some respects, as of late we have, in many ways, we have overdeveloped area within South Park. When we start to overdevelop areas and we increase, the Sleepy Hollow that was supposed to be subdivided into multiple units, which thankfully the brakes sort of got put on that where we said okay you can do this but not this. Um, our little neighborhood, we are looking at something similar, environmentally. That area that Mr. Kay has dutifully been mowing and keeping down, well all of that grass and all of the trees and some of the trees that have been torn out of the ground based on the predevelopment that was starting last year, that same predevelopment that destroyed the Kinevy's driveway, that destroyed and ripped out a bunch of their

grass in their side yard that they had to replace at his expense. It's also moving a lot of our natural wildlife that has existed in those areas that use those depressions on both sides. Deer, rabbits, red fox, coyotes though would be, we're okay if they don't stick around but there's a lot of wildlife that uses that area. And because of some of the things we've done in South Park over the years, we're starting to see some of our natural birds come back. Hawks are frequently down in that cul de sac where I walk. I know, I welcome having a couple more homes down there. That would be great but we have to really think and consider what are we doing to some of the natural wildlife and some of those natural resources that do exist there if we do subdivide to four from the two. How much of that is going to be pushed aside, moved, forever gone? Thank you.

Mr. Weil: Thank you.

Mr. Sable: Dan, I have a question. As the properties exist now with two parcels, those properties are eligible for homes to be built on those two properties? One on each property.

Mr. Deiseroth: That's right, there's two lots now. Before this subdivision, if it didn't occur and they came in with a building permit application to Tom they could build a house.

Mr. Sable: It would be built regardless.

Mr. Deiseroth: Correct.

Mr. Sable: So, we are talking about a subdivision, cause that is what we are being asked to do here, is to divide the plan into four different separate plots. As opposed to the two that existing which can be built on. One second Mr. Kay, so basically what I am trying to say is we are talking about two additional homes, or two additional subdivisions to the two that are already there making four, which makes it eligible for four homes to be built or four properties to be developed with homes.

Mr. Deiseroth: Yes.

Mr. Sable: Okay, Mr. Kay?

Mr. Kay: I just want to speak to the two comments that were just made. The paperwork that I received from the previous surveyor by the Township as well as the independent agency that was used by the Township said there was 11 homes, and that was as of 2004, 2002. That's number one, so I don't know what to say about why people in the room think that it was 25-27 years ago that it was only supposed to be two. That was not the plans that were devised, that was not the plans that were submitted. It is all documented, it is all historical, we can go back in time and look at that because I've done the research. So, as of 2000, 2004 there was still going to be 11 homes on that land. The second thing is that we are actually a very sustainable and a Green Family and we're meeting with Green Building Alliance, we've worked with them for the last 14 months on this development. We're working with green initiative individuals; we are trying to make this a number one development from a green initiative for both passive home and sustainable living. And so, this is not just coming in and you think making a profit, it's really and I can appreciate why you may think that, but if you understood the amount of money that we put into this, you would understand that it is not quite at that level. I am sorry that this is how we are meeting and that everyone is so opposed to this. But honestly my wife and I are good people. I am trying to get her back here to where her roots are. At some point I will bring in her father who is getting aged, we're bringing my parents at some point, you know this

is not something that, I don't know what else to say to speak to the opposition of it. I can appreciate it but the experts that have been brought in to do the work that they've done and to do the research that has been provided, speaks to the fact. As far as the (inaudible) and the curbs, it meets all the Township requirements that are necessary and so with that I'll finish up. Thank you.

Mr. Cecotti: If I could make one comment. All this talk about 11 homes, is nonsensical because the reason we are here is because they're seeking a variance to make it four lots (*NOTE _ VARIANCE IS INCORRECT TERMINOLGY*) instead of two. So, can we all agree that it is two lots right now. Can we agree on that?

Mr. Kay: Legally it is two lots right now, yeah.

Mr. Cecotti: Thank you, so, it's two lots, it is not 11 and I don't know what this Bonnie Dell 11 homes talk is. Maybe at one point they were going to bring a road down in there and these homes, they could face up that way and they could have their traffic go up onto Bonnie Dell, I don't know. But, it's two lots.

Mr. Sable: But Mr. Cecotti, at this point, it's just the 11 lots doesn't even you know register, for me, because we're talking about four, talking about four homes. And I understand the historical perspective regarding this, the original plot, but that's like water, bad name, water under the bridge. And I am not trying to be cute, I am just, just to keep it clean we are trying to understand, all of us how to move forward on this. We have professionals telling us that everything is good to go, we have a person who wants to build and part of me is concerned about how this gets resolved permanently, regardless of which way we go. We could be in litigation with this before it is al over. Mr. Kay, you know has invested a certain amount of money into the whole process and he wants to be a part of your neighborhood. I think we want to welcome him but we also don't want to do anything to harm any of the properties that are already there. So, the question for me comes down to does this hurt any of the properties that are there and if it doesn't how do we move forward in a very compatible way. Sorry.

Ms. Rhonda Keebler, 2229 Watchfied Drive: That's okay, my name is Rhonda Keebler, 2229 Watchfield. We're all neighbors here and most of us, not all of us, grew up in the South Hills of Pittsburgh a little closer to town. But we moved to South Park because of the green space and if you go on Watchfield it is a rare street, we are not close to each other, and this doesn't belong. Two lots fits right in with our houses that are spread apart. To shove all those houses in there, it just doesn't belong in that neighborhood.

Mr. Depretis: Let me ask a question, I have lived in South Park for 42 years. We're all unpaid participants of the Township here, and I agree with you in a lot of cases that we want South Park to stay like it is, that's why I moved here. I grew up in Baldwin, and my wife grew up in Bethel and we thought South Park was a great medium point for us. I don't, these lots I guess when after they are divided, we're looking at approximately a little shy of one acre each.

Ms. Keebler: I am looking here; the acreage goes way back but you see how close they are here so you know (inaudible) that way.

Mr. Depretis: Our lots, back when my plan was built, our lots were 65 feet wide but they're 270 feet long. It gives you the privacy in the back, but you know, that's all it gives you. It's nice, it gives you

wildlife and no neighbors too. You know to interfere with noise or anything like that, but I live on a quarter acre, that's all mine is. So, my question was, the rest of Watchfield, I am familiar with the street like I said I have lived here and raised my family here, what are the approximate sizes of these other lots?

Mr. Kay: .3 Acres, I can tell you every single property on the street.

Mr. Depretis: So, these are going to be acre lots, these aren't going to be townhouse lots. These are going to be an acre and I realize when they are towards the front of the street, behind it is what it is. But when it comes to wildlife, and green space it still exists, you know unless they want to put basketball courts back there or something. It still exists as green land. But I was curious because I'm just not as familiar with Watchfield to say what are the existing lot sizes.

Ms. Keebler: They are pretty wide. But I don't

Mr. Kinevy: My lot is close to an acre and a half. So, I don't know what Mr. Kay is talking about.

Mr. Kay: I am going to get the documentation.

Mr. Kinevy: Mine is 120 x (inaudible) acre

Mr. Depretis: How many acres?

Mr. Kinevy: Whatever that translates to, I don't have my calculator.

Mr. Depretis: What is it again?

Mr. Kinevy: 120 x 180

Mr. Depretis: Okay mine is 65 x 180 and it is less than, it is little more than a half.

Mr. Kinevy: Yeah, whatever it turns into.

Mr. Deiseroth: Yours is 1.2 acres. I have the GIS map up here.

Mr. Depretis: What I was getting at I guess, is this cramming four houses together, or is this keeping in the way of the rest of the street.

Mr. Deiseroth: Well, a typical lot is about .4 acres.

Mr. Kay: On Watchfield.

Mr. Deiseroth: Yeah, which is about a little over 16,000 square feet.

Mr. Depretis: So, these lots would be a little bigger than the average house on Watchfield.

Mr. Deiseroth: More than double.

Multiple people talking and one lady questioning the lot on the end that is more deep than wide.

Mr. Weil: Excuse me Maam, hold on. Legally, we have to, this is all recorded. Legally I'm sorry you have to sign in and state your name. Thank you.

Ms. Joanne Visco, 2225 Watchfield Drive: Okay, so, Joanne Visco 2225 Watchfield Drive. Okay, so, you look at this, just common visual, okay like and I don't claim to be an expert on anything, okay, I am going on visual. So, this here is two lots, you spit it down the middle, okay there's your two lots. But in this case, you're taking, you know, one lot and a smidge of the other and putting three homes on it. So, the lots may be the same size but you're talking here deep versus width. So, when you put a house here.

Mr. Depretis: Well, correct me Dan, how big does the frontage have to be?

Mr. Deiseroth: 90 feet.

Ms. Visco: I understand that, but on a lot that size, you are not going to get, and again I am just going on visual and being on that end of the street and knowing the size of that cul de sac. Those houses are not going to be the size of say ours. So, what does that do for my property value when you're building?

Mr. Depretis: Well, what is yours for example?

Ms. Visco: I don't know, but I am just saying.

Mr. Kinevy: A lot bigger than that.

Mr. Weil: I totally understand what you are saying and I hundred percent respect it but you do have to realize what the law is, if the lot is legal enough width wise and depth wise to build a house, that's the law. I know it doesn't fit in with the rest of the neighborhood and I know your lots might be wider and it might not look like it but there is a law that we have to go by. We have the right just to let you know that. And another thing, you guys definitely got a lot of arguments there sir, of what's going on. I would have the Township at my house tomorrow, you know, looking at this stuff. But also, on the, we are here for someone to come forward to us to divide his property into four lots. That is what we are looking at legally at this Board. You have another fight as far as the development. We are not here for the development tonight. We are here legally looking, is this person allowed to divided their lots.

Mr. Kinevy: Well once they are allowed to divide it though, they are allowed to build on it though, correct?

Mr. Weil: You still have another fight, Sir.

Mr. Sable: Did you have something you wanted to say Tom?

Mr. Bonidie: So, Watchfield Drive is under R-1 and Mr. Kay wants to take these two lots and divide them into four total. He cannot legally create four lots that don't meet R-1 regulations. His four lots meet the 15,0000 square foot minimum lot size, they meet the minimum 9 feet road frontage, the

minimum front yard setbacks and the minimum rear yard setbacks and the minimum side yard setbacks. He meets every one of those criteria to follow the R-1 regulations. Now, when it comes time for him to build an actual structure onto these lots, there's other sets of criteria that he has to follow and adhere to with that as far as stormwater goes and things of that nature. Like Dan said earlier, there's rules in place to protect not just the builder or the homeowner, but also the neighbors who is everybody in the room this evening. So, you made a mention about a piece of pipe, is that pipe on your property?

Mr. Kinevy: I believe it splits the property line.

Mr. Bonidie: So, Mr. Kay wouldn't have access to that piece of pipe if it wasn't on his property and he wouldn't know about it. And this is the first I am hearing of it. I have been out there several times; I am not sure if you've seen me. I've been out there with Dan, I've been out there with Wargo, and I've been out there with Aaron Laughlin with Public Works. If you are having an issue with a piece of pipe that is sticking out of your property that is flooding your yard out.

Mr. Kinevy: It is not flooding it, it is taking it in, it is an intake pipe.

Mr. Bonidie: Okay, whatever it may be.

Mr. Kinevy: It was brought up in regards to the wetlands situation.

Mr. Deiseroth: It could be a private pipe that the developer tied in and nobody is even aware of it. That might be what it is. And then this would be the opportunity to make sure that that pipe has a place to connect into. So, if it is doing something, that this development can

Mr. Kinevy: It is connected into a catch basin that Mr. Kay wants to fill in with dirt and put a driveway in.

Mr. Deiseroth: We are not taking away those catch basins. They will all be raised to grade and still take the water. That is a part of this plan.

Ms. Unknown: So those trees are going to remain?

Mr. Deiseroth: No, you mean in the depressions? They are filling in the depressions.

Ms. Unknown: So, the trees will be gone from there?

Mr. Kinevy: And where does the water go from that pipe go from there.

Mr. Deiseroth: That pipe goes all the way down to the pond, it leads all the way down.

Ms. Unknown: The pipe from Mr. Kinevy that he is talking about goes into that depression that is going to be filled in.

Mr. Kay: No, it doesn't.

Mr. Kinevy: Where's it go?

Mr. Kay: It goes to the stormwater system.

Mr. Deiseroth: There's underground pipes that convey the water from this property all the way over to the big storm water. When they build this property, those pipes aren't going away. Those pipes will still be there to drain Watchfield Drive. It is going to be a Township pipe. We are making him extend the pipe so that all the lots will have service. So that nobody's water will be going onto anybody else's property. So, we're trying to responsibly collect the water, it will be managed in the big pond but it will be collected and taken away so that it doesn't flood even themselves out when they build within these particular lots. So, again, glad to come down and look at your situation and if there's anything that we need to do as a part of this, we can add it to it but we are just being aware of it tonight. Again, I don't see it as being a big deal to have it be connected in or maintained. If it is doing something it needs to be there.

Mr. Kinevy: I am kind of shocked that no one has seen it with all these studies.

Mr. Bracker: I can understand that it, not knowing exactly where the pipe is in relation to the property line, if a surveyor came out there and if that pipe is on your property versus on Mr. Kay's property, that would explain why it wouldn't show up on the plans that Mr. Kay has submitted.

Mr. Kinevy: Well either or.

Mr. Bracker: Now, but to your point, it's there and I think the Township as Mr. Deiseroth and Mr. Bonidie have said, they are willing to come out to look at this and to see what needs to be done with that pipe, if anything. Or how do we make sure that it is doing what it is supposed to be doing and keeps doing that. Like I said, I can understand not knowing exactly where the pipe is in relation to the property lines, I can see where it might not show up on Mr. Kay's plans because if it is on your property that would make sense that it wouldn't be on Mr. Kay's plans. But I think definitely we need the Township to come out and take a look at that and to determine, to make sure that that pipe is doing what it is supposed to and where the water is going.

Mr. Kinevy: I still don't know how, obviously having a need for it, someone put it there, I didn't put it there, you know. It just speaks, again to my concern and my damage or the damage that I could perceivably encounter if you guys grant this variance in the future (*NOTE IT IS NOT A VARIANCE*).

Mr. Deiseroth: Just to be clear, there is no variance being granted, this is just a subdivision tonight.

Mr. Kinevy: Well, whatever you call it, I thought there was something about a variance on the agenda.

Planners: There's a waiver request.

Mr. Kinevy: Oh, a waiver to consider for approval.

Mr. Sable: Mr. Kay, just out of curiosity, is there another reason that you want to divide it into four lots as opposed to, why not just build on the lots as they currently exist?

Mr. Kay: Legally we are allowed to subdivide it and a personal perspective just like I stated, more than likely we are going to be having family come on site at some point down the future. We also

may just sell the lots off, because it's been such an egregious process getting up to just this point. We're just obviously.

Mr. Sable: That's fair, I would want to recover some of the expenses I've invested in it too. But I just wanted to hear that from you, because obviously, if you said okay look, we are just going to build, we are going to take the two lots, we are going to sell one off, but we are going to build on the other one, but that doesn't seem to be your plan at this point.

Mr. Kay: No, that is not the plan. That's not the plan that went into this.

Mr. Sable: Could that be the plan?

Mr. Kay: Uh no, not for the way that we intended.

Mr. Sable: And I know legally what you're saying. I understand all the opportunities and rights that you have regarding that. But I just wanted to go down that route to investigate that opportunity just to see.

Mr. Kay: I can appreciate that, but yeah, we have done everything possible to ensure that we have gone through the process and while certain folks in the audience may or may not agree with the fact that we have all good intentions, we paid good money for the best people that are out there in this neighborhood, in this backyard, who have done work with South Park for the last 50 years. They are professionals and we have taken their direction. I just want to add because there are some questions about the lot's sizes. So, we did pull up all the lots, so the average lots, there's 18 of them in phase 4 which the majority of the folks live at. I am just going to rattle off the acreage, so it is: .36, .65, .42, .38, .38, .43, .50, .66, .58, .35, .34., 34, .34, .35. Ours are 2.72, 2.47 and then there's .56, .74 and .53. In total the 16 lots on this phase of Watchfield have 18.5 acres, and we have a third of that. And so again, going back to the history this amount of land was originally set for and I can show these, it's not relevant because again it's in the past same as the wetlands.

Mr. Weil: I don't think you need to go there.

Mr. Kinevy: I think you omitted mine, what did you say mine was?

Mr. Deiseroth: You didn't include Mr. Kinevy's at 1.2 acres.

Ms. Unknown: We are 1.2.

Mr. Kay: You have lot numbers? I have 301-318 on this plan.

Mr. Kinevy: Well, that's the Township Engineer, I think I trust him.

Mr. Deiseroth: I have the map up right here now.

Mr. Kay: Okay.

Mr. Gorman: If you combine all this together.

Mr. Kinevy: And it's adjacent to a lot that you are projecting as what, .54?

Mr. Deiseroth: No, .87.

Mr. Kinevy: And then the one after that is?

Mr. Deiseroth: There's three at .87 and one 2 ½, right?

Mr. Kay: Correct, they are all going to be .87 which is nearly double the average lot on the entire street.

Mr. Kinevy: It is also half of the size of the ones adjacent to it.

Mr. Bonidie: You also got to remember they only have to make 15000 square foot lots.

Mr. Kinevy: I understand that but at the Planning committee I think that is something you guys should consider. You're going to have a 3-point whatever acre lot here, a 1.4-acre lot on the other side of two significantly smaller lots which will definitely be a detriment to the whole

Mr. Depretis: We got to watch how we address this because earlier somebody was saying we like the big spread-out area, and that's the way we want to keep it. And now you're saying you're going to spread out lots when they were a little more

Ms. Unknown: We didn't say that.

Mr. Kinevy: (inaudible)

Mr. Depretis: He is contradicting what she's saying though. That is what I am saying. I think you have to go back our Engineer and our Code Enforcement are saying. This is the size that's allowed.

Mr. Kinevy: I understand that, I mean but as a committee, I mean, don't you look into something like.

Mr. Sable: But we are not authorized to break the law.

Mr. Kinevy: I am not saying.

Mr. Sable: I mean, but that is what you are asking me to do. We got regulations in place that govern that and you're saying to me, set that aside because we don't like the way that looks. And that is what you are asking us to do. And I'm thinking that's not what we can do. We got to consider all of that.

Mr. Kinevy: Do you consider everything? Or do you just consider?

Mr. Sable: Considering what the laws and regulations are that govern our opportunity to make decisions.

Mr. Weil: Sir, my and this has been this way for the ten years that I have been here, my decisions are based off of two factors. And I am not saying that one is more important than the other. One is legal.

Is this legal? And two, which is probably the most important thing, safety. And I do consider water a safety, okay? That's mine, I do. Is your house going to flood because of this, my opinion my vote will be determined upon that. Now I do have an engineer here that's telling me that the drainage is okay. So, legally they have the right, in my opinion, to do this. It meets all criteria. And also, safety wise, as far as drainage, they're telling me that it is okay.

Mr. Kinevy: Without a guarantee.

Mr. Weil: I agree with you and I did state earlier, I think you do still have a battle going here, okay. I don't want to argue with you, sir. I do think you have an issue. First of all, I'd have Aaron Laughlin at my house tomorrow morning at 8 a.m. when he gets to work about that. And I'd be walking that property. And if this is divided, that doesn't mean they are building houses tomorrow either. There's still another battle for you people. I am just saying that. I mean that's all fine and good about 'battle'. I just you know we are not looking to battle.

Mr. Weil: No, I am just saying you take your case to the commissioners. And when I said battle, I meaning you take your case to the commissioners and to the Township and saying Hey this is up. But you got to understand what we're here tonight to do. Is to vote on if they want to divide this, can this guy legally do this? Can he legally do this, that is my question.

Mr. Kinevy: With safety being a component. And Water (inaudible).

Mr. Weil: Safety is a component, but he is not building anything so there are other people that come to this Planning Commission with prints of building structures, with building Summit Station, with building other neighborhoods have been developed and hey look this is the drainage. That's when you get into hey is this going to flood these people, that's not really the topic here. There is no building topic here, I don't have prints here of any houses, or anything in front of me. My thing here, legally, can the guy divide? You have to realize what is in front of this Board now.

Mr. Kinevy: And safety being one of the things, and yourself admitting to safety, and water being one of those, and then basically you have a professional and then you have the guy who lived there for 15 years that contradicts his professional.

Mr. Weil: Yes, safety, yes, a professional. Yes, that's my dilemma.

Mr. Kinevy: Okay that's fine, that's all I wanted to clarify.

Mr. Deiseroth: Just to be clear, I didn't hear you say that you have been flooded. You have a wet yard?

Mr. Kinevy: Yeah

Mr. Deiseroth: Have you had water in your structure from this property?

Mr. Kinevy: If you count the garage as part of the structure?

Mr. Deiseroth: So, you have had a backup from this property onto your property with water? I'm just having trouble understanding that but I want to come out and see it.

Mr. Kinevy: We have had multiple landslides in my back yard.

Mr. Deiseroth: Landslide is totally different. That has nothing to do with this property.

Mr. Kinevy: And that leads to the point that there's a water concern in that development.

Mr. Deiseroth: Okay, and

Mr. Kinevy: And adding more runoff, to me, becomes a safety issue.

Mr. Deiseroth: So, let me tell you this. Most of you on the street, and I don't have this picture in my mind, but do your roof drains drain out to the curb in the neighborhood? Like do you see pipes typically out (*inaudible as they all start chiming in with answers*) Okay, so they way that this plan was designed was there's no direct connections in the pipes. As these four lots will be developed, the Township, through me, has made the developer extend the storm sewer and all of the homes and driveways will be connected directly into a pipe. Nobody, has that house in the neighborhood. So, the water is not going to even escape the property. It is going to be directly tied to the storm sewer and then taken away from you guys.

Mr. Kinevy: Just the over abundance of natural water. I'm not talking about the roof water. I mean this is, we're at the bottom of a very big hill and so it is already a very wet area to begin with and to be compounding it with yet two more driveways and two more you know yards (*inaudible as people talk over each other*). But if it did, there

Mr. Sable: At some point in time, we have to bring this to conclusion so let's make this the last comment.

Ms. Kirklin: Okay, my comment is safety. Our property, I am at 2248, I am 2 houses further down from Denny McDonough. You all know where he is at. We aren't even allowed to touch our back hill. Because previous to us moving in, to somewhere in the late 1990's, there was a slide closer down to his property. So, yes there's vegetation on it now, just over the years, seeds, birds, animals but we are not allowed to do anything with it. For safety reasons. Landslides are safety issue. He has already said he has experienced that. How do you know, how can you assure us that this, it's a hill, that whether it's stays the parcel two lots each, two parcels with two lots each, or you divide it up and we have four driveways, four structures, how do you assure us safety wise that there aren't going to be any slides? You've got properties on Bonnie Dell that are going to back up to whatever is built, whether it is on two parcels or lots.

Mr. Weil: We can't assure that, we cannot. The only thing we can do is go off the recommendation of what an engineer says.

Ms. Kirklin: Okay, the other thing I want to bring up because this was brought up when we were told it was going to be two parcels, there would be no construction vehicles coming up or down Watchfield Drive. Everything for those two parcels was going to come off of Decker, Bonnie Dell to Decker. It wasn't going to be on our street at all. I want assurances regardless of whether it's split or it's not, that there will be no construction vehicles on our street.

Mr. Weil: That's a legal issue between the Township and the Police. That has nothing to do with us.

Mr. Sable: Yeah, it is not in our purview on that position.

Ms. Kirklin: Well, why was it agreed to and why was it said to us at a Planning meeting when all this took place with Quality Rentals? When this whole decision was made about two lots on each parcel being two parcels.

Mr. Weil: We would have to pull the records. Do you know when that was?

Ms. Kirklin: Well sometime after I moved here, June of 2000 to now. I can't quote you years. I never thought that this was going to come up, that I would need to be documenting it somewhere.

Mr. Weil: I understand, I was just asking.

Ms. Kirklin: I don't mean to be combative; I am just really frustrated with this whole thing.

Mr. Kinevy: You guys can access the minutes, right?

Mr. Weil: We can, but if she knew a date that would tremendously help. A rough estimate, between 2000 and now.

Ms. Kirklin: I am going to say go back and look at prior to Decker being actually put in because that's when the conversation.

Mr. Depretis: Was it a supervisor meeting or?

Ms. Kirklin: Oh no, it was here it was a planning commission meeting. I've never been to a Supervisor's meeting.

Mr. Depretis: Okay, well then that makes that easier to identify. But Planning Commissions don't have the authority to make final so that's why Russ at the beginning of the meeting said you know all we do is make recommendations to the Township Supervisors. Pennsylvania Law doesn't allow, does not permit.

Ms. Kirklin: But what I am saying is the gentleman and possibly women, but I don't remember any women sitting up here at the time.

Mr. Weil: Our previous Chairperson was a woman.

Ms. Kirklin: How far back?

Mr. Weil: Twenty-five years.

Ms. Kirklin: Okay, well like I said I can't tell you the year that we had the meeting, that we came up here.

Mr. Weil: It had to be her because until Russ was here.

Ms. Kirklin: I don't recall anybody saying that we also had to go to a supervisors meeting. We thought when we were told here was possible.

Mr. Weil: Always been the law, now zoning is a different story. I think Zoning makes the final makes the final decision. Planning Commissions forward it to the Township Supervisors and that's not a South Park thing, that's Pennsylvania State law thing. So, that's why no matter what we do tonight, either Mr. Kay will be going to the Supervisor meeting to say I disagree or you guys will be probably going to the Supervisors meeting to say we disagree but no one in a planning commission position can say there won't be a construction vehicle going down your street, there won't be any heavy equipment. We don't have the authority to say that. That is not in our authority to so that.

Ms. Kirklin: Mr. Sable remembers that; you were nodding your head when I said it.

Mr. Sable: I was saying what?

Ms. Kirklin: You seemed to recognize when I made that comment, about the construction vehicles that I took your body language as you recalling that was said. Am I mistaken?

Mr. Sable: I wasn't here at that point, if that was the time frame that you were referring to. You mean to go on to Decker?

Ms. Kirklin: Yeah, that it wasn't coming on Watchfield Drive at all. We were not going to be inconvenienced with all that.

Mr. Sable: No, I am sorry I didn't mean that to be interpreted that way.

Ms. Kirklin: Okay, that's my interpretation.

Mr. Bracker: There are two members of the Board, myself and Mr. Waychoff that have been on the Board 24 years for me, 26 for Jim, and I do not remember that but then again that's

Mr. Sable: But Mr. Chairman, let me just, if you don't mind at some point in time the question becomes have, we gathered all the information we need to have to make a decision. We're missing, at least one person and probably another person if we fill the position. But the question becomes do we have, we have all the information from the professionals, we have all the information from Mr. Kay's professionals. Does it make sense that we just step back until the next meeting and say let's make sure we've gathered all the information that Tom needs to have, that Mr. Kinevy has put forward and all of you have put forward to make a final decision ad maybe that's at the next meeting. I'm just asking the question. We've heard a lot of decision, haven't even had a chance to digest all of it. I understand all of the perspectives, but I don't want to have a decision made simply because we think we have to make it tonight. It could be that we may want to step back for one meeting and give us a chance to digest all of this. Let Tom have a chance to do his investigations and whatever minutes we need to look at from previous if that makes sense. But to keep in mind that a 30-day time frame between now and our next meeting gives Dan a chance to go through the stuff that he needs to go through and everybody else and then come forward with the understanding so that we don't delay Mr. Kay, you know, to the point that is detrimental to you moving forward but that we make the right decision based upon all the information that we have. I am going to suggest since we have had this

at this point, that we table this action on this until we have a final report at the next meeting and I would actually make a motion to table at this point.

Mr. Bracker: We do have one more.

Mr. Michael Murtaugh, 2280 Watchfield: May I say something? Hey I am Mike Murtaugh, I live up the street from these guys. Yeah, I don't blame the guy for wanting to live in the neighborhood, okay, but I mean I was always under the impression that we were going to have single family homes. That's what makes the neighborhood what it is. You know, I just feel like, this is just my opinion, I know you guys have the legalities and all that but just having it the way the houses are makes the neighborhood what it is. And just on the drainage issue, my neighbor next door, everything is professionally done but she had water in her basement. This is right next to, she is 2276, right next to my house, she had water coming down the hill and she had an (inaudible) and they trenched alongside the house, put French drains in, painted and all that and this stuff was professionally done but she is still having problems. I mean I keep an eye on it and I try to help her out with certain things but I've witnessed it myself. And like he is saying you don't know what may happen and I think if we just adhere and I know that you got your legalities like you said, it's all the legalities and what not but things happen and I mean I've witnessed this first hand and she put in like probably 25000 dollars into her property to alleviate this problem, okay. That's all I wanted to say.

Mr. Sable: Thank you.

Off subject discussion of his grandfather and Carrick Highschool etc.

Mr. Gorman: Thank you for your time and I just wanted to take the opportunity to state before you make a final formal motion just a reminder that, you know, we submitted everything that was required for the application checklists that was reviewed here and received review letters from the Township's consultants that stated that it was a complete application. We did receive initial comments with our initial submission, we satisfactorily addressed all of those comments. Tonight, we're seeking approval of a subdivision, a legal moving of these lines. Everything that we are proposing is in conformance with all the Township Ordinances. We are not asking for variances and nothing that would require a legal or zoning proceeding here. So, I just take that into consideration before you make (inaudible).

Mr. Sable: Mr. Gorman, we understand that your compliance issues have all been addressed appropriately. We have the ability to table it for another meeting, you know, as long as it, that appears to be in the best interest of all the parties concerned. We are not looking to harm either one, but we want to make an informed decision and because there were several pieces of material that came forward tonight, some of us are, obviously most of us are hearing, if not all of us are hearing this for the first time on several different issues. So, please understand that we are just trying to digest all of this, take into consideration everything that Adrian said about legality and about safety and about doing the right thing. But to do this, and Dan, you or Tom tell me if I'm off base you tell me, but I am thinking but if we take a 30-day period to gather any other information we have so we have a completely informed opportunity to make the decision and move forward. If that's not the right thing, then you tell me because I am about to make the motion to Table this until the next meeting.

Mr. Deiseroth: Oh absolutely, the planning commission, we have 90 days as community to review this application. You're under no pressure to do this tonight. I would feel more comfortable because

I am confident the plan is fine, but I would rather go out and meet with the neighbors, address the questions, address the issues and come back to the planning commission and say we did this. This is why we have these meetings. This is the only place that people can come to provide their input. So, for it to take another 30 days is not going to harm anybody.

Mr. Sable: Okay, so taking that into consideration, thank you Mr. Gorman, Thank you Mr. Kay for your input and all the work that you've done and thank you for coming out tonight to inform us of all of these situations but Mr. Chairman I would move at this point that we Table the motion until the next meeting.

Mr. Bracker: So, there's three items on that we have to vote upon. One is the waiver request and the other two are basically is the paperwork all correct and then an actual approval for this. Now, correct me if I am wrong Tom, so this as we said, this is just moving the property lines.

Mr. Bonidie: Correct.

Mr. Bracker: At a future point, when Mr. Kay decides to build a house, he's got to come back in to the Township to get approvals for that plan.

Mr. Bonidie: Correct, for each house.

Mr. Bracker: Well, I am assuming Mr. Kay is going to be building his house. The other thing for everyone to be aware of regardless of the decision, if it's to recommend, not recommend or table. If it is recommended or not recommend this will go to the Supervisors for final decision. If it's decided to table, then it will come to us next month. So, just to sort of level set with everyone, if we recommend or not recommend it goes to the Supervisors, they meet on March 11 and they would have final decision. If we vote to table, it comes back to us again next month.

Mr. Sable: But Mr. Chairman, do we need to move on the other two, the subdivision, the preliminary and final approval and the minor subdivision, do we take action on that tonight simply saying that the application's been approved because it's complete and appropriate?

Mr. Deiseroth: Let me just interject real quick, so the first part of the waiver, that waiver is just strictly to say that you are reviewing the plan in fell swoop. We're not making them do preliminary and then final. You are doing preliminary and final in one meeting. So, that is your decision whether you want to do that or not. I don't see a problem with it, it doesn't change what you are trying to do tonight. And then the second part of it, do you to accept the application? That starts the clock, that starts the 90 days for the review period. So, I don't see

Mr. Sable: So, is that the motion to accept the preliminary and final application?

Mr. Deiseroth: Yes.

Mr. Sable: So, we still need to take action on that tonight.

Mr. Deiseroth: You should take action on the waiver if you agree with it and then second do you accept the application.

Mr. Sable: But if we want to table the request for the waiver?

Mr. Deiseroth: I don't think that,

Mr. Sable: Does that preclude us from taking action on the other two items?

Mr. Weil: Yes, because the second item is preliminary and final, where the waiver is saying that you do both at one time.

Mr. Deiseroth: Right

Mr. Sable: So, if the first one is tabled, we table all of them?

Mr. Weil: Correct.

Mr. Deiseroth: It doesn't change anything really; you can table them all.

Mr. Sable: Okay, so Mr. Chairman?

Mr. Bracker: So, we need a motion to Consider Applicant's waiver request to the portion of South Park Township's Subdivision and Land Development Ordinance, Chapter 118 as it relates to the definition and final approval requirements for Subdivision Plans and also the Township Engineer's recommendation.

Motion made by Mr. Sable, seconded by Mr. Waychoff, to **table** the waiver request as submitted by the applicant and as per the Township Engineer's recommendation letter so that the application may be considered for both preliminary/final approval. All members voted aye. The motion is carried.

Mr. Sable advised all in attendance that a decision will be made in March after some more information is gathered. Mr. Depretis mentioned that since both sides are willing to take a look at the 'mystery' pipe and meet on site that it makes sense to look into it and then make a decision. Acknowledged everyone loves tax base but not in our own backyards etc.

Mr. Bracker: Concerning the Preliminary and Final Approval we need a motion?

Motion made by Mr. Sable, seconded by Mr. Weil, to **table** this preliminary and final application for a Subdivision as being complete per the Subdivision and Land Development Ordinance. All members voted aye. The motion is carried.

Motion made by Mr. Sable, seconded by Mr. Weil, to **table** this application for preliminary and final approval for a Minor Subdivision, to be located at 2220-2222 Watchfield Drive (769-N-14 & 769-N-12). All members voted aye. The motion is carried.

Next Regular

Wednesday, March 27, 2024 at 7:00 p.m.

**Meeting
Adjournment**

Motion was made by Mr. Waychoff seconded by Mr. Weil to adjourn the meeting. All members voted aye. The motion is carried.
Time: 8:54 P.M.