

PUBLIC HEARING

MONDAY, MARCH 9, 2020

6:30 P.M.

- Roll Call** Walt Sackinsky presiding. Board members Ed Snee and Brian Lucot were present. Also in attendance:: Karen Fosbaugh, Township Manager; Dennis McDonough, Chief of Police; Irv Firman, Esq., Solicitor; Tom Bonidie, Code Enforcement Officer; and Aaron Laughlin, Director of Public Works.
- Purpose of Hearing** The purpose of the Public Hearing is to take oral or written testimony on the condition of the following property to determine if the property should be declared a Public Nuisance by the Board of Supervisors, and subject to the appropriate abatement procedures and/or fines and penalties as outlined in the Code of the Township of South Park.
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| <u>Owner(s):</u>
Coffey Properties LLC
Paul Coffey | <u>Location:</u>
1134-1136 Cochrans Mill Rd.
Pittsburgh, PA 15236
Lot/Block No. 563-N-170 |
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- Testimony** **Mr. Bonidie** – Mr. Bonidie stated that in August 2019, the property was sold to Mr. Coffey. At the Board of Supervisors meeting 6/10/2019, Mr. Coffey was informed that he would need to acquire all necessary permits to renovate and occupy the subject property. Mr. Coffey submitted a letter to the Code Enforcement Office stating his intent, since he was not available for the 8/12/2019 Board of Supervisors meeting. Mr. Bonidie read the letter into the record. At the Board of Supervisors meeting held on 9/9/2019, Mr. Coffey stated that the structure is solid, and he would like to improve the property. He was advised to contact Mr. Bonidie regarding the attendance of a pre-application meeting for a site plan. On 10/23/2019, an inspection of the property indicated that Mr. Coffey was operating a business from the subject location, as several pieces of equipment and trucks were located on the premises. Mr. Coffey had expanded on his parking area by bringing in asphalt millings. At that time, Mr. Bonidie reminded him that he was operating without a use permit and he needed to submit a formal application for a site development. Mr. Bonidie had provided him with the appropriate application, and Mr. Coffey stated that he would comply. On 10/10/2019, activity was noticed in the basement of the building, as debris was being removed from the inside. An extension cord from the neighbor’s structure was

noticed running into Mr. Coffey's window. A Civil complaint against Mr. Coffey was filed with the magistrate on 1/31/2020, due to the lack of communication with the Code Enforcement Office. A hearing has been scheduled for 3/24/2020. On 2/11/2020, a certified letter was sent to the owner of the property, notifying him of the Public Hearing this evening. On 2/12/2020, a legal notice was sent to the Post-Gazette and was published in the Xtra South edition on 2/28/2020. Letters were sent to all neighbors within a 200-foot radius, informing them of the Public Hearing. On 3/2/2020, both the Township Administration Lobby and Mr. Coffey's property were posted with the Public Hearing date and time.

Paul Coffey, 3477 McRoberts Road, Pittsburgh, PA 15234 – Mr. Coffey stated that he is currently remodeling his structure. Mr. Sackinsky asked if he was aware of the permits required. Mr. Coffey replied that he has an engineer involved. Mr. Bonidie explained that an Occupancy Permit is required, which Mr. Coffey has not obtained. Mr. Bonidie added that a site plan is also required, and Mr. Coffey explained that that is why he has hired an engineer. Mr. Sackinsky mentioned that Mr. Coffey did not attend the staff meeting. Mr. Coffey apologized for missing the meeting and stated that he will be present at the next staff meeting. Mr. Sackinsky inquired as to Mr. Coffey's intentions. Mr. Coffey replied that he will do whatever is required, immediately. Mr. Bonidie explained that he cannot apply for a building permit until he officially submits a site plan. Mr. Bonidie added that Mr. Coffey is scheduled to attend the staff meeting on March 18th. Mr. Bonidie informed Mr. Coffey that all work must cease until his site plan has been approved. Mr. Coffey stated that he is currently just parking vehicles on the property and is not operating a business from the subject location. Mr. Coffey expressed his frustration and stated that he has filled five dumpsters while cleaning out the structure. He added that the structure looks 10 times better than when he purchased the property, and he does not feel welcome in the Township. Mr. Sackinsky replied that any resident or business owner must comply with the rules and regulations of the Township. Mr. Sackinsky added he has noticed that Mr. Coffey has secured the building and has cleaned up a lot of the property. Mr. Coffey stated that he was a Councilman for Castle Shannon Borough for 20 years, and he is familiar with the process. Mr. Snee commented that Mr. Coffey is welcome in the Township; however, the Board is asking that he comply with the Township regulations. He added that Mr. Coffey is doing a nice job cleaning up the property. Mr. Sackinsky inquired as to a timeframe for compliance. Mr. Coffey replied that the outside structure will be repointed, and he is remodeling inside. Mr. Bonidie explained that

after his site plan is approved, he must apply for the proper permits.

Charlotte Binakonsky, 1152 Cochrans Mill Road (Bruceton Station) – Ms. Binakonsky commented on the un-neighborly behavior exhibited by Mr. Coffey and his company. She stated that heavy equipment has been coming and going, and trucks have been hauling wood. She expressed her concern relative to Mr. Coffey burning outside. She contacted the police who told him not to burn outside, but now he is burning inside. The police told her to contact the Health Department. She encountered smoke entering in and around her premises on: March 7th, at 1:30 a.m. and 1:00 p.m.; at 3:00 pm, on Sunday; and 9:30 a.m. today. Ms. Binakonsky added that he is driving his heavy equipment onto her lot, causing mud to accumulate and damaging her gravel lot. She erected “No Parking” signs as directed by the police, but they still are using her lot. Mr. Sackinsky suggested that relative to the smoke, she should contact the Health Department since they are the regulatory agent, and they will have the information needed.

Charlotte Seddon – Ms. Seddon stated they she is the owner of the Bruceton Station, located at 1152 Cochrans Mill Road. She indicated on a map where Mr. Coffey turns his equipment around and stated that he drives over the berm. She mentioned that there are restrictions in his deed and the original deed and provided a copy of the deeds to the Board. She mentioned that he has not had a license to operate in Pennsylvania since 2-14.

Emily Binakonsky, 1152 Cochrans Mill Road – Ms. Binakonsky stated that her family owns Bruceton Station. She reiterated the comments made by Charlotte Binakonsky and expressed her concern for their parking area being used by Mr. Coffey and the excessive smoke and odor. She mentioned that Mr. Coffey has parked his heavy equipment on the bridge to the Owl’s Club. Mrs. Fosbaugh stated that there is a weight limitation on the bridge, but the bridge is privately owned by the Owl’s Club. The Township cannot intervene on private property.

Mr. Coffey – Mr. Coffey stated that he has never personally met either of the residents that spoke and has never been approached by them. He is willing to be neighborly and talk to them. Mr. Coffey mentioned that his employees have told him that the Binakonsky’s have raised their voices at them on several occasions. Mr. Coffey stated that they are not on their property, and he does not own any tractor trailers. He explained that various trucks park on the Bruceton Station property every day and talk on their cell phones. Mr. Coffey showed a picture of one of the trucks to the Board and commented that he is being accused of parking his vehicles on

their property. Mr. Coffey stated that he has a furnace that is hooked up to his duct work, which heats the building. It is heated by wood or coal. The odor they are smelling is coal burning. He stated that he will discontinue burning the coal, since it bothers the Binakonsky's. Mr. Coffey stated that according to Tom, it is not illegal to burn in his furnace. He also mentioned that they do not have any bonfires burning outside. Ms. Binakonsky stated that they have given license plates numbers to the police.

Maureen Finocchi, Owl's Club – Ms. Finocchi stated that they had an engineer certify the weight allowed on the bridge, and they have installed the weight limit sign. They received permission for the wood chips because they are dealing with property behind Jay Nagy's house flooding the Owl's Club. Mr. Sackinsky inquired about the trailer parked on their property, and she replied that they are removing the last of the garbage from the Club. The upstairs is now renovated and cleaned. They have over 300 members.

Mr. Lucot – Mr. Lucot inquired about the trucks parking illegally in the Bruceton Station parking area and whether the Binakonsky's have any knowledge of other company's using the parking lot.

Ms. Binakonsky explained that whenever a truck is parked on their property, she personally informs them that they are not permitted on the property, and they move their vehicle. It does not evolve into profanity, as with the Coffey employees.

Mr. Snee – Mr. Snee had no comments.

Mrs. Fosbaugh – Ms. Fosbaugh entered the following report into the record. She mentioned that some of the issues have been addressed by Mr. Coffey, but she is required under the Code of the Township of South Park to make an inspection. Inspections were conducted on the following dates: February 7, 2020, February 18, 2020, and March 19, 2020. Following are observations noted:

- A. The property is being occupied without the owner obtaining the appropriate occupancy permit from South Park Township.
- B. A parking area has been created without obtaining the appropriate permit.
- C. The property is being used by the property owner as a storage site for trucks and equipment for his business, which the Township understands to be a tree service. The owner would be required to apply for a conditional use in this zoning classification, which is C-4.
- D. The owner has not submitted a site plan to South Park Township with regard to his intentions. Mr. Coffey has commented this evening that he will submit his plan at the March staff meeting.

- E. The owner did not attend the scheduled staff planning meeting on February 18th to provide details as to his future plans. He did send his surveyor who was unable to furnish any details. Mr. Coffey did apologize.
- F. The building is in poor condition, and a skid steer is parked on the porch of the structure.
- G. Logs are piled haphazardly on the site.
- H. Large blocks are stacked along the side of the building.
- I. An extension cord is leading from the existing building across the driveway to the building located to the left of the driveway.
- J. Tires are piled on the site.
- K. The owner is conducting activities in a designated floodplain without having an engineering study completed.

Chief McDonough – Chief McDonough concurs with the Township Manager’s report, and he inspected the property on the following dates: March 2, 2020, at 1:00 p.m.; March 5, 2020, at 10:00 a.m.; and March 9, 2020, at 2:00 p.m.

Mr. Sackinsky – Mr. Sackinsky stated that he has inspected the property on numerous occasions, the last time being this afternoon. Mr. Lucot and Mr. Snee have also inspected the property. They concur with the Township Manager’s report. Mr. Sackinsky added that he has seen improvements; however, there are issues of non-compliance that need to be addressed.

Close Public Hearing

Motion by Mr. Snee and seconded by Mr. Lucot to close the public hearing. All members voted aye. Motion carried.

Adjournment

Motion by Mr. Snee and seconded by Mr. Lucot to adjourn the public hearing. All members voted aye. Motion carried.

Time: 7:09 p.m.