

**TOWNSHIP OF O’HARA PLANNING COMMISSION  
REGULAR MEETING MINUTES  
NOVEMBER 20, 2017**

---

The Planning Commission met on October 16, 2017 in the Township Municipal Building, 325 Fox Chapel Road, at 7:30 p.m. for its regular meeting. The meeting was brought to order and preceded as outlined on the agenda.

Present: Edward Crates, Chair; Joseph Zgurzynski, Vice Chair; John J. Claus, Secretary; Bruce Gay, At-Large Charles Bleil, At-Large; Richard Citrin, At-Large

Absent: Joseph Kelly, At-Large

Staff: Charles W. Steinert, Jr., P.E., Township Engineer; Julie A. Jakubec, CPA, CGMA, Township Manager; Cathy Bubas, Recording Secretary

SUMMARY OF AGENDA ITEMS:

I. CALL TO ORDER

II. APPROVAL OF EXCUSED ABSENCES

III. NEW BUSINESS

- A. Kerr Elementary School
  - 1) Application for Conditional Use
  - 2) Application for Minor Subdivision
  - 3) Application for Preliminary Land Development
- B. St. Mary’s Cemetery – Proposed Mausoleum Conceptual Review
- C. Consideration of Altering the Planning Commission Time for 2018

IV. APPROVAL OF MINUTES

- A. October 16, 2017

V. OTHER BUSINESS

VI. ADJOURNMENT

I. Call to Order

Chairman Crates called the meeting to order at 7:30 p.m.

II. Approval of Excused Absences

Mr. Kelly was unable to attend the meeting due to illness.

III. New Business

Chairman Crates noted meeting procedures. He stated the Kerr Elementary School applications would be reviewed separately, and St. Mary's Cemetery conceptual review does not require Planning Commission action and none would be taken.

A. Kerr Elementary School

1) Application for Conditional Use

Township Engineer Chuck Steinert, Jr., P.E. read the Engineering Report which is attached to and made a permanent part of these minutes.

Mr. Dan Macek, of Canzian/Johnston & Associates, was in attendance to represent the School District. He noted the existing school building was built in the 1920's and is a little over 80,000 s.f. The new school building will be a little smaller, at 72,519 s.f. The existing building would need approximately \$11,000,000 in upgrades, such as the electrical system, heating and ventilation system, plumbing, a new roof, etc. In order to provide new programming needs, the building needs the upgrades. Mr. Macek also noted various rooms proposed for the new building.

Motion by Vice Chair Zgurzynski to recommend that Council approve the Conditional Use application was seconded by Mr. Citrin and carried unanimously.

2) Application for Minor Subdivision

Mr. Steinert, Jr., P.E. read the Engineering Report which is attached to and made a permanent part of these minutes. He noted the intent is to consolidate two lots, both of which are located in the CD-1 zoning district.

Motion by Mr. Gay to recommend to Council that Minor Subdivision approval be granted was seconded by Vice Chair Zgurzynski and carried unanimously.

3) Application for Preliminary Land Development

Mr. Steinert, Jr., P.E. read the Engineering Report which is attached to and made a permanent part of these minutes.

A correction to the school building square footage was noted in the Engineering Report.

Mr. Bill Utzman, of Morris Knowles & Associates, was in attendance to represent the School District.

Chairman Crates suggested the applicant work with staff on items noted in the Engineering Report, such as the grading permit and landscaping plan.

Mr. Gay noted the Engineering and Zoning Reports conflict with regard to parking compliance. Mr. Steinert, Jr., P.E. explained based on counts, the parking complies with zoning, but after discussion, the Engineer and Zoning Officer agreed faculty and class room counts should be provided. Mr. Utzman indicated the counts would be provided with the final land development application. Manager Jakubec suggested including a few additional faculty counts should the faculty increase in the future.

Mr. Gay referenced the transportation study, noting the trips increase to 16 from 10 and questioned if the school population is going to increase, or why the number of trips is going to increase. Mr. Daniel Breikreutz, Transportation Coordinator for the School District, stated he does not project enrollment to grow in the next few years, and the buses are near maximum capacity now. The possibility of needing six additional buses is very slim. Mr. Steinert, Jr., P.E. explained the Traffic Impact Study addresses the ultimate capacity of the building, and that is what the number of trips is based on. Mr. Macek added that the Traffic Impact Study was approved by Penn D.O.T. Manager Jakubec requested a copy of the approval letter.

Vice Chair Zgurzynski questioned the potential for parking deficiency between Phase I and Phase II. Mr. Utzman noted Phase II would occur during the summer when school is not in session. Paving of the parking lot is scheduled to be completed prior to the beginning of the school year.

Manager Jakubec stated there is an understanding with School Superintendent Dr. Freeman that the landscaping would exceed the Township requirements. Mr. Breikreutz indicated he and Dr. Freeman met with a Landscape Architect today and were abundantly clear as to what they want, starting with trees as little as 5' to as big as 16'. They are very cognizant of the neighbors next to the cemetery as well as the folks behind the school. He noted the locations and various types of trees and shrubs to be planted on the property.

Manager Jakubec explained the setback issue was created at the Township's request to provide an additional drive behind the building for emergency fire access. Mr. Utzman recalled appearing before the Zoning Hearing Board last month, and the variance request was tabled pending Planning Commission's review. Mr. Breikreutz explained after meeting with the Fire Chiefs there was discussion about putting in a full, accessible road to accommodate a fire engine all around the building. In order to do that, the building had to move forward, creating the setback issue.

Mr. Macek presented views of the building from Kittanning Pike, noting the entrance, administrative office, classrooms and gymnasium.

It was noted the Kerr Garden would be eliminated, as it has not been well maintained. Mr. Breikreutz noted the location for the play area, which includes a hard court surface for basketball and soft area for playground equipment.

Manager Jakubec referenced the Zoning Report, noting a variance is required for the setback, cutoffs for the lighting are needed, and a landscaping plan is in process.

Mr. Steinert, Jr., P.E. noted the eight conditions for approval. Motion by Vice Chair Zgurzynski to recommend that Council approve the plan subject to the stated conditions, was seconded by Mr. Bleil and carried unanimously.

The consensus of the Planning Commission was to recommend to the Zoning Hearing Board that the setback variance be granted.

#### B. Conceptual Review – Proposed St. Mary’s Cemetery Mausoleum

Mr. Dan Martone, of Martone Engineering and Surveying was in attendance to present the proposed plan. He distributed plans to Planning Commission with changes based on comments from the prior conceptual review. He noted the differences between the plan presented last month and this month include moving the parking area from the Spring Grove Avenue side of the building to the park side, and the building was moved back from 50 feet from the street to 65 feet from the street. After meeting with the Township Engineer and Township Manager, it was decided the building will be moved to 75 feet from the street in order to meet the setback requirement. A walkway will encroach a utility easement in the rear of the building. It was noted the utility easement includes water and sewer lines.

Mr. Martone stated landscaping has been added to provide screening from the park area and Spring Grove Avenue, in addition to a landscape island and in front of the mausoleum.

Mr. Martone recalled Mr. Kelly had suggested a separate, distinct entry to the site. An entry is shown on the plan farther down toward Spring Grove Avenue, which will provide better traffic circulation and the hearse would not have to back up or turn around. He checked with Penn D.O.T. and reviewed the requirements for a Highway Occupancy Permit and did not foresee a problem.

Mr. Martone recalled during the meeting with the Township Engineer and Township Manager, discussion included access through the park parking area, which is not a primary access point, but is shown on the plan. Manager Jakubec explained in the agreement with the Diocese, it was agreed for St. Mary’s to use the park parking lot, a driveway would not be put through the park parking lot, and to basically not take the Township land for a parking lot. She recalled conveying that the Township may not be comfortable with cars going through a parking lot where children play. Vice Chair Zgurzynski confirmed a final agreement on this matter had not been reached. Mr. Citrin verified that being an access point, people will go through the parking lot where children play. Vice Chair Zgurzynski stated it does not make sense to have traffic directed through a playground unless there is no way around it, but it sounds like there is a way.

Mr. Joseph Huber, representing the Catholic Cemetery Association, provided copies of the Licensing Agreement and read an excerpt of the agreement regarding permission to use the parking area, ‘ in the ownership and operation of the mausoleum to be constructed by the licensee, as part of the cemetery known as St. Mary’s Cemetery on property it owns adjacent to the premises.’ Since Mr. Huber was not involved in preparing the agreement he was not aware of further details. However, in discussing the matter with Father Almado who was involved with Manager Jakubec

In preparing the agreement, it appears to be a difference of opinions. He noted efforts to make access for a smooth entrance and exit.

Mr. Huber presented a fact sheet with regard to the amount of use of the mausoleum.

Manager Jakubec stated this is not to be litigated here. She referenced the License Agreement with states ‘parking lot’ and not ‘driveway’; it does not say the cemetery can commandeer 18’ of the Township’s land, to which Vice Chair Zgurzynski completely agreed. He also noted the need for a drive-through easement, to which Mr. Martone agreed. Mr. Martone indicated the agreement is vague, and does not say that the driveway could not be used for access to the parking. It implies you have to be able to get to it in order to use the parking. He questioned if it means you just have parking and you just have to have a path that gets you from the parking to the mausoleum.

Vice President Zgurzynski stated increased traffic is not consistent with a playground. Mr. Martone suggested looking at what would be the best traffic flow as far as ingress and egress. He also indicated possibly installing a gate along the property line, and the gate would only be open during a funeral procession.

Mr. Citrin commented it is not the proper demeanor at a funeral to have people come out of a beautiful cemetery and go through a gravel road. It was noted the Township would pave the existing gravel road.

Mr. Citrin proposed adding a driveway on the mausoleum side. Mr. Martone stated the nice thing about this entry is right opposite the other entry into the cemetery. Manager Jakubec indicated she understood his point, but they would need to seek the Township’s permission through an easement agreement to go on Township property, which would be paved more than the parking lot, to use the Township’s parking lot as a driveway and it would eliminate parking spaces in the parking lot.

Mr. Martone indicated the attorneys are reviewing the agreement and did not have any answers to the questions.

Chairman Crates questioned who wrote the agreement. Manager Jakubec stated the Township Solicitor, Dan Garfinkel, and Bill Bresnahan, the attorney for the condemnation, wrote the agreement together.

Mr. Huber stated the Settlement Agreement and Licensing Agreements all contemplate the building of the mausoleum there.

Chairman Crates concurred that the agreement is vague and lacks definitions.

Manager Jakubec reiterated the agreement does not say ‘driveway’; and no one is saying that there was ever a contemplation that there wouldn’t be a mausoleum. The issue is the Township would have to agree to enter into some type of agreement to do this. She also indicated staff feels there are better options, which were offered when helping them with Penn D.O.T. to get another parking entrance on a very low-use road. She stated the Township feels going through the park parking lot is not the best thing.

Mr. Huber stated people will park at the park parking lot because it is the first driveway they will see. He was unsure about how to provide handicap parking. The amount of traffic from funerals is minimal. Unless there is another entrance next to the existing entrance, the hearse will have to go into that parking lot and try to turn around and come out the other way. Mr. Citrin asked if they envision the gravel parking area to be an overflow lot and prefer to have people parking in the main parking area. Mr. Huber indicated that to be the preference, but could not control what people do. Mr. Citrin indicated they could control that by putting an access point there. Mr. Huber stated that is where the confusion began and questioned the necessity of having a license agreement for a parking area when they need to provide parking. Vice Chair Zgurzynski suggested having a stand-alone structure with two access points. Mr. Martone asked if the purpose of the agreement to allow parking in what is now the gravel lot was part of the land that was acquired by the Township, as a negotiated point. Manager Jakubec stated it was part of the agreement that the attorneys worked out and unfortunately the attorneys who wrote the agreement are not here. She indicated the problem is they are presenting a plan with a driveway where they may not have the rights to have a driveway. She indicated staff has some ideas that may resolve the issues.

Vice Chair Zgurzynski stated it is better planning to have all access for the mausoleum on the site and no connection to the park.

Mr. Bleil asked why wouldn't the driveway be so that when you come in you go right into the parking lot, rather than on the other side. That way people would see the parking lot when pulling in and then go across the front of the building. Mr. Martone explained the attempt was to keep the driveway opposite of the cemetery driveway because anyone coming through the cemetery, it would be easier to flow into it. Mr. Citrin stated once the mausoleum has an address, people will enter the address into a GPS for directions and would not drive through the cemetery. In addition, there are no services to be held in the cemetery; it will be held in the mausoleum. Mr. Martone explained with a large funeral procession the cars would go through the cemetery and the first so many cars would cross Kirkwood and enter the mausoleum parking area. The Funeral Director would direct excess cars to park in the cemetery. Mr. Huber noted in many cases Police help in directing traffic. He also noted that is why they considered a chain or gate that is only open during a funeral for the actual hearse. People prefer to park near the mausoleum rather than across the street. Manager Jakubec stated the Police do not routinely assist with funerals. She also reiterated the issue is they're showing a driveway where there is no right to have a driveway because at this point nothing has been discussed with the Township. Vice Chair Zgurzynski stated that is a landowner issue, but also from a planning standpoint it makes sense to have this all taking place on the mausoleum site rather than go through someone else's parking lot, or especially a playground parking lot. He liked the position of the parking lot, but would create a better visual appeal to residents across the street, so they don't have to look at a parking lot, but it also creates an attractive hazard for kids at the playground, who may decide to ride their bike in the parking lot, and if they are connected by a driveway, it is more attractive. Vice Chair Zgurzynski did not think a chain or gate would be the solution. He believed the solution to be a separate entrance and separate exit at the mausoleum, completely apart from the playground. Chairman Crates compared the suggestion to a governor's drive.

Mr. Citrin stated the use is a mausoleum; it's a Catholic cemetery. If it were any other project it would be clear that we would not allow that kind of access; we would require a separate entrance. Though there may be grounds for allowing in this situation, there's been prior discussion and agreements are in place, it doesn't fit what the plan of this project is to not have a second entrance

within the property. Mr. Huber stated they want to get the building built and do what's right. In terms of parking, why have the parking area if the idea was not to have access to the parking area. The idea was not to jeopardize the safety of children, but the traffic is controlled and people visiting is very limited with the exception of special occasions. He believed they had plenty of parking for a normal funeral procession.

Manager Jakubec stated neighborhood children walk to the playground. The flex court is used extremely in the evenings for dek hockey. Just because there are no cars parked at the playground does not mean that there are no children at the playground because it is walkable.

Vice Chair Zgurzynski reiterated the mausoleum area needs a separate entrance and separate exit. There should not be any driving connection between the mausoleum and the playground, which was the consensus of Planning Commission.

Mr. Gay stated residents of 104 and 124 Kirkwood will be looking directly at the corner and he strongly encouraged discussion with those families concerning the need for additional screening on the southwest side of the property. The residents of Spring Grove Road have a little screening. He liked the location of the parking, as the residents will not see the cars.

#### C. Consideration of Altering the Planning Commission Time for 2018

It was noted the request was to change the meeting time for Planning Commission from 7:30 p.m. to 7:00 p.m., as all other board and commission meetings begin at 7:00 p.m. and it is causing some confusion.

Vice Chair Zgurzynski stated since he joined Planning Commission the meetings have always started at 7:30 p.m.

Mr. Gay, Mr. Claus, Mr. Bleil and Mr. Citrin preferred an earlier start time. Chairman Crates preferred a 7:30 p.m. start time, so he does not have to rush; Vice Chair Zgurzynski indicated he may have to bring his kids more often.

The consensus of Planning Commission was to change the 2018 meeting time to 7:00 p.m.

#### IV. Approval of Minutes

##### A. October 16, 2017

Motion by Mr. Bleil to approve the minutes as presented was seconded by Mr. Citrin and carried unanimously.

#### V. Other Business

Chairman Crates acknowledged a person in the audience. Manager Jakubec confirmed the person is a student and fulfilling a government class assignment. The Manager explained the purpose and function of the Planning Commission.

Manager Jakubec informed Planning Commission that the revised Zoning Ordinance is being reviewed by the Township Solicitor and will subsequently be reviewed by Planning Commission prior to Council's review. The ordinance will also be forwarded to Allegheny County Economic Development for comments. The ordinance will be available for the public to review and comment as well. The Manager noted a few of the revisions. Mr. Citrin extended appreciation to Vice Chair Zgurzynski and Mr. Bleil for their work on the Zoning Ordinance.

Mr. Citrin questioned the School District Plan with regard to the traffic study. Mr. Steinert, Jr., P.E. indicated all traffic studies include projections for so many years.

VI. Adjournment

Motion by Mr. Bleil to adjourn the meeting was seconded by Mr. Claus and carried unanimously. The meeting adjourned at 8:40 p.m.

---

Bruce Gay, Assistant Secretary