

## MINUTES

### PUBLIC HEARING OF HAMPTON TOWNSHIP COUNCIL

WEDNESDAY, MARCH 9, 2016

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

Those present: V. Son, President; R. Dunlap (via video-call), C. Montgomery, S. Neugebauer, P. Russ, Members; V. Tucceri, Legal Counsel; W.C. Lochner, Municipal Manager.

#### CITIZEN AGENDA MATTERS

Nothing was brought before Council for discussion.

#### PUBLIC HEARING – HAMPTON RE CONDITIONAL USE (16-02)

**Mr. Montgomery moved to open the Public Hearing for the Hampton RE Conditional Use (16-02). Mr. Russ seconded the motion and a roll call vote was unanimously in favor.**

The applicant is seeking approval to include a drive-through service with the proposed new coffee shop and dentist office building to be located on the former BP site at the southwest corner of West Hardies Road and Route 8. Multiple businesses and drive-through services are conditional uses in a Highway Commercial zoning district and must be granted by Township Council.

Mr. Orban summarized the review of this application. He noted that the Environmental Advisory Council is recommending approval subject to the submission of a revised landscaping plan. The Planning Commission has tabled consideration of the revised site plan and will be reviewing it again on March 14, 2016. Mr. Orban stated that there are several unresolved engineering items, including matters related to the site work, traffic plan, and ingress/egress to the site. Due to these outstanding safety issues, he reported that Township staff and engineering firms are not recommending approval at this time. Mr. Son summarized the main engineering concerns regarding the PennDOT review of the traffic plan and ingress/egress.

Representing the applicant were Bob McCollim with Red Swing Group and Maureen Sweeney. Mr. McCollim presented an overview of the site development plans and landscaping plan and explained how they plan to address the concerns regarding the traffic engineering review. He noted that the entrance on W. Hardies Road will be ingress only, no exiting onto West Hardies will be permitted. The entrance on Route 8 will be a two-way entrance allowing both ingress and egress, as well as allowing right and left turns onto Route 8. Mr. McCollim stated that the reason why the entrance on West Hardies Road cannot be moved further west is due to the topography on the lot.

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Chuck Wooster with David E. Wooster & Associates, the traffic engineer for this project, was also in attendance. Ms. Sweeney recognized that they still need to obtain final approval of the Highway Occupancy Permit from PennDOT. She remarked that they fully expect any approval to be conditioned upon approval from PennDOT. Mr. Wooster summarized the history of their attempts to develop this site and noted that they have been having meetings with PennDOT for several years in an attempt to obtain the HOP. Mr. Wooster presented an overview of the traffic plan and elaborated on the reasoning behind its design. Mr. Montgomery questioned if their intention was to prevent people traveling west on West Hardies Road from making a left turn into the site, to which Mr. Wooster replied yes. Mr. Montgomery suggested the possibility of angling the driveway so that it can only be accessed by vehicles travelling east on West Hardies Road. Mr. Wooster explained why the site layout prevents this. Mr. Montgomery and Mr. Wooster discussed the various locations that they might be able to post a "No Left Turn" sign. Mr. Montgomery asserted that, while he would like to see the property developed, they are being aggressive about the size of the structure they are proposing, which is what's causing many of the traffic problems. Mr. Montgomery expressed his concern for the existing residents of Hampton who need to use that intersection every day. Ms. Sweeney stated she will be fully complying with whatever recommendation is made by PennDOT. Mr. Son questioned if they would agree to erect a "No Left Turn" sign, should the Township request it, even if PennDOT does not require it. Ms. Sweeney stated that they would be happy to as long as PennDOT allows it since the sign would be located in their right-of-way. Mr. Son discussed the possibility of continuing the Public Hearing due to the outstanding engineering concerns and the timing restrictions that come into play once the Public Hearing is closed. Several comments were exchanged regarding the unresolved engineering items and whether they should preclude the closure of the Public Hearing.

Ms. Sweeney asked Mr. Wooster if he has reviewed the site plan and the HOP for this property, to which Mr. Wooster replied yes. Ms. Sweeney asked Mr. Wooster if, based on his experience in traffic matters, he believes that this plan is in accordance with the Comprehensive Plan and consistent with the spirit, purposes, and intent of the Zoning Ordinance. Mr. Wooster replied yes. Ms. Sweeney asked Mr. Wooster if he believes, based upon his knowledge and experience in traffic matters, that, with respect to traffic, this plan is in the best interest of the Township, the convenience of the community, the public welfare, and a substantial improvement to this property as well as those in the immediate vicinity. Mr. Wooster replied yes. Based upon the same, Ms. Sweeney asked Mr. Wooster if he believes that this plan, with respect to traffic, is suitable for the property in question in design and construction and will be operated in harmony with the appropriate appearance of the existing, or intended, character of the general vicinity. Mr. Wooster replied yes. Ms. Sweeney asked Mr. Wooster if he believes that there is a high degree of probability that the use would adversely impact the public interest. Mr. Wooster replied no. Ms. Sweeney asked Mr. Wooster if he believes that this project will create an adverse impact upon the public interest that exceeds what might be expected in normal circumstances. Mr. Wooster replied no. Ms. Sweeney asked Mr. Wooster if, based upon the same, the plan, with respect to traffic, is in conformance with all of the requirements of the ordinances. Mr. Wooster replied yes. Ms. Sweeney asked Mr. Wooster if he is sure of his opinions to a reasonable degree of certainty. Mr. Wooster replied yes. Ms. Sweeney moved for their exhibits to be entered into the record.

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Mr. Son opened the floor to public comment. Rob Dinardi of 4989 Meadow Crest Drive stated that he is the owner of a neighboring commercial building on West Hardies Road. He recounted the difficulty that he experienced when purchasing his property due to the groundwater contamination from all of the existing and former gas stations at that intersection. He questioned if the applicant has obtained all of the necessary approvals regarding this. Mr. McCollim responded that a Phase 1 environmental assessment has been addressed and all necessary remediation has been completed. No other comments were offered from the public.

Following Mr. Dinardi's comments, Mr. Son stated that the solicitor has advised him that, due to the legal statements read into the record by the applicant, the Public Hearing should be continued so that the Township's traffic engineer has the opportunity to respond to the validity of these assertions on the record. Ms. Sweeney replied that the Township's traffic engineer had an obligation to submit their opinion via the review letters provided to the Township and applicant. Several more comments were exchanged regarding this. Mr. Orban commented that Trans Associates is of the opinion that they would like to see PennDOT's decision regarding the entrance to the site since this will have major implications for the overall site layout. Mr. Tucceri recommended that the Public Hearing be continued due to these outstanding issues.

**Mr. Dunlap moved to continue the Public Hearing regarding the Hampton RE Conditional Use (16-02) for an additional 30 days. Mr. Montgomery seconded the motion and a roll call vote was unanimously in favor.**

**OTHER BUSINESS**

Nothing was brought before Council for discussion.

**There being no further items for discussion, Mr. Son adjourned the Public Hearing at 8:01 pm.**

Susan A. Bernet,  
Clerk of Council

Victor D. Son,  
President of Council