

West Deer Township
Board of Supervisors
May 20, 2015

The West Deer Township Board of Supervisors held their Regular Business Meeting at the West Deer Township Municipal Building. Members present: Jeffrey D. Fleming, Chairman; Tracy A. Adamik; Richard W. DiSanti; Leonard Guerre, Lawrence K. McManus; and Gerry Vaerewyck. Member absent, Rick W. Florentine. Also present were: Daniel J. Mator, Jr., Township Manager; Barbara Nardis, Finance Officer; Douglas Happel, Township Solicitor; and Scott Shoup, representing Shoup Engineering, Inc.

7:00 P.M. – PUBLIC HEARING – CONDITIONAL USE – BRANDON & ARIEL FORBES:

COURT STENOGRAPHER WAS AT THE HEARING.

TRANSCRIPT OF THE HEARING ATTACHED.

TOWNSHIP OF WEST DEER

BOARD OF SUPERVISORS REGULAR MEETING

MAY 20, 2015

- - -

BRANDON & ARIEL FORBES

Appellants

997 Deer Creek Road

Gibsonia, PA 15044

- - -

WEST DEER TOWNSHIP BOARD OF SUPERVISORS

MR. JEFFREY D. FLEMING, CHAIRPERSON

SAMUEL HAPPEL, ESQ., SOLICITOR

RICHARD W. DiSANTI, JR., VICE CHAIRPERSON

DANIEL J. MATOR, JR., TOWNSHIP MANAGER

- - -

TRACY ADAMIK

RICK W. FLORENTINE

LEONARD GUERRE

LAWRENCE K. McMANUS

GERRY VAEREWYCK

ALSO PRESENT:

ALICE B. MITINGER, ESQ.

(Counsel for the Appellants)

P-R-O-C-E-E-D-I-N-G-S

- - -

Wednesday Evening, May 20, 2015

- - -

MR. FLEMING: Public Hearing -
Conditional Use. Open public hearing.
Please stand for the Pledge of Allegiance.
(The Pledge of Allegiance was recited)

MR. FLEMING: Mr. Mator, would you
please do roll call?

MR. MATOR: Mr. Adamik.

MR. ADAMIK: Here.

MR. MATOR: Dr. DiSanti.

DR. DiSANTI: Here.

MR. MATOR: Mr. Florentine. (Absent).
Mr. Guerre.

MR. GUERRE: Here.

MR. MATOR: Mr. McManus.

MR. McMANUS: Here.

MR. MATOR: Mr. Vaerewyck.

MR. VAEREWYCK: Here.

MR. MATOR: Mr. Fleming.

MR. FLEMING: Thank you.

MR. MATOR: Are you here?

MR. FLEMING: Yeah, I'm here. I am.

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07:04PM

07:04PM

1 Public hearing advised in compliance
2 with the law. Property posted?

3 MR. MATOR: Yes, it has been.

4 MR. FLEMING: The adjoining property
5 owners notified via mail?

6 MR. MATOR: Yes.

7 MR. FLEMING: The public hearing is for
8 the conditional use for the owners Brandon
9 and Ariel Forbes who are requesting to
10 utilize the existing barn as a Place of
11 Assembly pursuant to West Deer Township
12 Zoning Ordinance 23.4.32.

13 The barn would be available for special
14 events, primary focus on weddings, ceremonies
15 and receptions.

16 Functions would also be showers,
17 birthday parties, and community meetings and
18 gatherings. Location is at 997 Deer Creek
19 Road, Gibsonia, PA, 15044 on their 10.17 acre
20 farm. Lot and Block 2193-K-390. Property is
21 zoned R - Rural Estate.

22 Parking is proposed to be off-site with
23 a shuttle transporting guests from local
24 churches.

25 The review letter is attached from

07:04PM

07:05PM

1 Shoop Engineering dated April 22nd, 2015 and
2 also a copy of the West Deer Township
3 Planning Commission Minutes of April 23rd,
4 2015.

5 Also attached is the application for
6 the conditional use with a summary of the
7 project and conditions submitted by the
8 owners Brandon and Ariel Forbes.

9 At their April 23rd, 2015 meeting, the
10 Planning Commission voted to recommend
11 approval of the conditional use subject to
12 addressing all stipulations, (parking,
13 agreement, lighting, et cetera) in Shoop
14 Engineering review letter dated April 22nd,
15 2015.

16 Planning Commission voted 3 - yes and 1
17 - no.

18 At this point, we'll open the floor to
19 public comment. All those who are interested
20 in speaking this evening, please rise and be
21 sworn in. You need to stand and raise your
22 right hand.

23 (The oath was given)

24 MR. FLEMING: All right. We'll open up
25 for public comments, one at a time up to the

07:06PM

07:06PM

1 microphone please.

2 MS. MITINGER: I was going to say, my
3 name is Alice Mitinger. I'm counsel on
4 behalf of the Forbes.

5 MR. FLEMING: Okay.

6 MS. MITINGER: We do have a
7 presentation that we would like to make
8 because there are conditional use criteria
9 that we have to meet.

07:07PM 10 So we'd ask the opportunity to present
11 that information first, and then obviously we
12 would answer any questions that the Board or
13 anybody from the public would have.

14 MR. FLEMING: No problem.

15 MS. MITINGER: Is that all right?

16 MR. FLEMING: Yes, just so I can
17 conclude, when you do come up and speak,
18 please say your name, your address, and spell
19 your name. Thank you.

07:07PM 20 DR. DiSANTI: What was the counselor's
21 name?

22 MS. MITINGER: My name is Alice
23 Mitinger. It's M-i-t-i-n-g-e-r.

24 DR. DiSANTI: Thank you, Counsel.

25 MS. MITINGER: Yes. Do you want me to

1 start?

2 MR. FLEMING: Yes.

3 MS. MITINGER: Sure. As I have
4 introduced myself, my name Alice Mitinger.
5 I'm with the law firm of Cohen & Grigsby, and
6 I'm here tonight on behalf of Brandon and
7 Ariel Forbes.

8 We do have a series of exhibits that
9 Brandon is going to pass out, but I'm just
10 07:08PM going to review those with you so that -- we
11 have different witnesses who are going to
12 discuss the exhibits as we go through, but
13 just quickly, the first exhibit is an aerial
14 view of the property.

15 The second exhibit are a series of
16 photographs. The third is --

17 MR. FLEMING: Sorry. I want to make
18 sure the mike is on, because I don't think
19 anybody in the back can hear you.

20 07:08PM (Pause noted)

21 MS. MITINGER: Just for the benefit of
22 the room, the first exhibit that we're
23 passing out is an aerial view of the
24 property.

25 The second are a series of the

1 photographs of property.

2 The third is the architect site plan
3 that sort of shows the different features of
4 the property.

5 The fourth one is a rendering of what
6 the barn looks like and what it is intended
7 to look like as a part of this project.

8 Five are some examples of the portable
9 restroom facilities that they propose to use
10 in connection with this use.

07:09PM

11 And the sixth is the application that
12 was actually presented to the Municipality,
13 which you recognized before.

14 Seven is the letter from the Township
15 engineer, which you had identified before.

16 The eighth is an excerpt from the West
17 Deer Code of Ordinances, which relates to
18 hours of entertainment for public
19 entertainment.

07:09PM

20 The ninth exhibit is a letter of
21 interest from a potential offsite parking
22 partner, which as we'll discuss the proposed
23 use, off-site parking is what is intended.
24 It is not onsite parking. So this is a
25 critical part of the project that's being

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proposed.

The tenth is a letter from Trans Associates, and we have a traffic engineer here who is prepared to testify about the traffic and parking as is proposed as part of the plan.

DR. DiSANTI: Excuse me, Counsel, before you start, was this portfolio made available to the Planning Commission?

MS. MITINGER: No, it was not. We prepared the exhibits for the public hearing, which is the recorded hearing before the Board.

DR. DiSANTI: Can I ask you why they didn't have it?

MS. MITINGER: Well, because this is -- the Planning Commission is making a recommendation to this Board, and this is the evidentiary hearing.

So we're making a record. We prefer to have the record before those who are -- where there's a court reporter and actual exhibits being presented.

DR. DiSANTI: My only comment, I think it would have helped assist them.

07:10PM

07:10PM

1 MS. MITINGER: And I appreciate that,
2 but we want to make sure that we have all of
3 the information that the Supervisors need to
4 make a decision.

5 DR. DiSANTI: Thank you.

6 MS. MITINGER: Um-hum. But, and I do
7 want to go through the information with
8 relative quickness, but what we're here
9 tonight about is a conditional use for a use
10 that the West Deer Ordinance defines as a
11 Place of Assembly, and the definition of a
12 Place of Assembly as contained in the
13 Ordinance is a structure or area of land that
14 is designed for the assembly or collection of
15 persons for specific political, religious,
16 educational or social purposes, and where
17 recreation, amusement, or dining may occur as
18 accessory activities.

19 And then there is the Ordinance section
20 that defines the criteria for that use.

21 So without further explanation of what
22 we're going to present, I'd like to introduce
23 Ariel Forbes, who is one of the owners of the
24 project and the property, and, Ariel, could
25 you just introduce yourself to the Board?

07:11PM

07:11PM

1 ARIEL FORBES: Sure. I'm Ariel Forbes,
2 I'm -- as Alice said, I'm one of the owners
3 of the property.

4 MR. FLEMING: Address?

5 ARIEL FORBES: 997 Deer Creek Road,
6 Gibsonia 15044.

7 MS. MITINGER: And, Ariel, when did you
8 and Brandon purchase the property?

9 ARIEL FORBES: We closed on
10 October 31st of last year.

11 MS. MITINGER: And I think we've
12 described it before, but the acreage of the
13 property is just over ten acres?

14 ARIEL FORBES: That's right.

15 MS. MITINGER: And who currently lives
16 there?

17 ARIEL FORBES: Brandon and I live there
18 with our eight-month old daughter, and we
19 have a dog and a cat there as well and
20 chickens.

21 MS. MITINGER: And so you're developing
22 this, the proposal for this Place of Assembly
23 as a business that you would run in addition
24 to your home being on the property?

25 ARIEL FORBES: That's right.

1 MS. MITINGER: Okay. And I'd like you
2 to describe for the Board just the first
3 exhibit to orient them as to where you are
4 and where the barn is that would be part of
5 the project.

6 ARIEL FORBES: Sure. So the barn is if
7 you are looking just head on --

8 MS. MITINGER: Start with the road
9 maybe.

07:12PM 10 ARIEL FORBES: Sure. So it's just --

11 MS. MITINGER: In the photograph, the
12 road, Deer Creek road is the one that runs
13 across the middle of the photograph?

14 ARIEL FORBES: Right. And so just
15 above the road on this photograph is the barn
16 where there's a red area, which is the roof
17 of a portion of the barn.

18 To the right of that is sort of a flat
19 gravel area. Behind that are some trees, and
07:13PM 20 then the other structure to the left of the
21 barn is our residence.

22 MS. MITINGER: And how had this -- and
23 actually, if you could just go through
24 quickly the series of photographs that's
25 under Tab 2?

1 ARIEL FORBES: Sure. So this next
2 depiction shows some of the other parcels.

3 MS. MITINGER: Actually Tab 2.

4 ARIEL FORBES: I'm sorry.

5 MS. MITINGER: That's okay. The
6 photographs.

7 ARIEL FORBES: So this is a picture
8 from Deer Creek Road of the barn. The next
9 shows an area of the driveway that we propose
10 to use for some of the parking.

07:13PM

11 DR. DiSANTI: Is this currently the
12 alpaca farm?

13 ARIEL FORBES: It was a former alpaca
14 farm. We do not have alpacas.

15 DR. DiSANTI: So the structures closest
16 to the road, there are four of them, were
17 those lodgings for the alpacas at one time?

18 ARIEL FORBES: Yes.

19 DR. DiSANTI: Those would be removed?

07:14PM

20 ARIEL FORBES: Possibly. I'm not
21 positive if we'll be removing them or somehow
22 incorporating them, possibly repurposing
23 them.

24 DR. DiSANTI: Okay.

25 MS. MITINGER: But they're not

1 currently used for alpacas.

2 DR. DiSANTI: I understand.

3 ARIEL FORBES: The next photo shows
4 another picture of the barn from the
5 perspective on other side.

6 MS. MITINGER: From the rear of the
7 barn?

8 ARIEL FORBES: From the rear of the
9 barn. Exactly.

07:14PM 10 And now we are on the side of the barn
11 in this next picture where the road would be
12 just to the left.

13 Another photograph of that same view
14 showing some of the area behind the barn as
15 well.

16 This is sort of a temporary pond that
17 appears in the springtime.

18 DR. DiSANTI: Which photo are you at?

19 ARIEL FORBES: I'm at the photo that
07:15PM 20 has the water in it.

21 MS. MITINGER: You're at the right one.
22 Carry on. There's a -- people are all having
23 trouble turning the pages.

24 DR. DiSANTI: I got it.

25 MS. MITINGER: Okay.

1 ARIEL FORBES: That's showing some of
2 the pastures.

3 This next picture is of the flat area
4 that's next to the barn. It's just a little
5 bit pulled back from where the pond is and
6 again showing the pastures, and that's the
7 end of the pictures.

8 MS. MITINGER: So, Ariel, can you --
9 and Dr. DiSanti has mentioned that this was
10 formally an alpaca barn.

11 Can you explain a little bit of the
12 history of the farmhouse and the historic
13 farm?

14 ARIEL FORBES: Yes. So the farmhouse
15 was built in the late 1800s. It's been
16 updated and restored.

17 The barn was a working barn for many,
18 many years, serving different purposes, and
19 most recently an alpaca farm for about 14
20 years.

21 MS. MITINGER: What is the -- what do
22 you intend for the property going forward, so
23 the Board has an understanding of the public
24 assembly use that you are proposing.

25 ARIEL FORBES: Yes. So our proposed

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1 use would incorporate the barn as the sort of
2 central gathering place for different types
3 of events and the area around the barn.

4 There's a lot of open green space that
5 we want to preserve and incorporate into the
6 farm. We are picturing really bucolic,
7 quaint, classy events that have sort of an
8 agriculture theme to them where we hope to
9 incorporate some flower farming and the
10 possibility of guests being able to pick
11 flowers for the events, and that sort of
12 thing.

13 But our hope is really to utilize the
14 farm as a farm setting for these events.

15 MS. MITINGER: And your goal really is
16 to have a minimal impact on the surrounding
17 area.

18 So you are not proposing to have guests
19 come and park on the 10 acres.

20 ARIEL FORBES: Right.

21 MS. MITINGER: You are proposing to
22 have a model where you would have guests
23 arriving only by shuttle.

24 ARIEL FORBES: That's right, because we
25 think that it's important to keep that green

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1 space green space, and preserve the farming
2 character of the area.

3 MS. MITINGER: I think in your
4 application you mentioned weddings and baby
5 showers, and that type of event.

6 But you're not proposing anything
7 beyond that, is that correct?

8 ARIEL FORBES: No. I mean maybe
9 something like a community gathering or
10 family reunion to the extent it came up, but
11 I would say those are probably the central
12 purposes.

13 MS. MITINGER: And have you had an
14 opportunity to discuss your concept with your
15 neighbors?

16 ARIEL FORBES: Yes, very much so. We
17 really made a concerted effort to approach
18 everybody in the neighborhood and talk to
19 them about the idea and hear their thoughts
20 and their concerns and try to address those
21 concerns to the best of our ability,
22 including, you know, in some cases, multiple
23 conversations with people, just really trying
24 to be open-minded and hearing people out.

25 MS. MITINGER: And, again, this is your

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1 residence, and you want to maintain the
2 residential character of your home as well,
3 but it is -- what you're proposing would be a
4 business for you and Brandon.

5 Can you explain how -- what you are
6 proposing is consistent with the Township's
7 comprehensive plan as you've reviewed it?

8 ARIEL FORBES: Yes. So I've looked at
9 the goals of the comprehensive plan, and it
10 seems to me as though this proposed use is
11 very much in line with those goals in terms
12 of preserving natural amenities, while
13 incorporating natural amenities into economic
14 development.

15 One of our goals is to partner with
16 local businesses, which we think will help
17 with economic development.

18 We want to employ local residents to
19 the extent that's possible, and we're
20 thinking about florists and caterers in the
21 area, but -- yeah.

22 MS. MITINGER: So generally consistent
23 with those goals?

24 ARIEL FORBES: Exactly, yes.

25 MS. MITINGER: Now, I'd actually --

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1 unless any of the Board Members have any
2 specific questions of Ariel -- we do have
3 other witnesses who are going to talk a
4 little bit more about the building itself and
5 the business model.

6 But if you had any questions about the
7 testimony she presented or we could hold them
8 until the end to make sure that --

9 MR. FLEMING: I think that would be
10 best.

11 MS. MITINGER: I was going to say it's
12 your preference.

13 Matt.

14 Could you introduce yourself for the
15 record, please?

16 MR. DIERSEN: Sure. Good evening. My
17 name is Matt Diersen. I am a principal with
18 Midland Architecture in the City of
19 Pittsburgh. My last name is D-I-E-R-S-E-N
20 and --

21 MS. MITINGER: Can you give your
22 business address?

23 MR. DIERSEN: Sure. The address is
24 1120 Jancey Street, and that's Pittsburgh.
25 And the zip is 15206.

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1 MS. MITINGER: And can you just explain
2 a little bit about the -- so you are a
3 practicing architect, and the Forbes retained
4 you to help make a plan for the barn and the
5 surrounding area for the proposed use?

6 MR. DIERSEN: Yes, that's correct, and
7 I prepared the site plan and the rendered
8 view of the barn and have discussed their
9 design intent.

07:20PM 10 MS. MITINGER: So if you turn to
11 Exhibit 3 in the booklet. And you have a
12 larger view of this. Maybe we can put this
13 up so. This is the Exhibit 3 that I'm just
14 going to turn it around so that people can.

15 MR. DIERSEN: You can put it on a
16 chair.

17 MS. MITINGER: Well, that's not going
18 to help -- there we go.

19 MR. DIERSEN: Is it all right if I just
20 show it to the room?

07:20PM 21 MS. MITINGER: Well, I was going to say
22 you are speaking to the Board. They have it
23 in their packets. So let's turn it around so
24 people can hear what you are talking about.
25 Here you go.

1 Can you describe the different features
2 and areas within the complex?

3 MR. DIERSEN: Certainly.

4 So as previously referenced, the
5 property consists of both the owners'
6 residence and the barn. You can see they are
7 quite proximate to one another.

8 The barn itself is about a
9 hundred-years-old. Probably a bit older.
10 It's a typical heavy timber structure with a
11 stone foundation entry from two levels so you
12 can access the stables below and access the
13 storage space above.

14 It's very utilitarian structure and
15 sort of that weathered appearance is what
16 they want to maintain -- is that working
17 better -- within the space.

18 So they want to do a minimal amount of
19 improvement to make it safe and accommodating
20 to the functions that they intend to have.

21 The red structure to the south of
22 what's labeled "Barn" was an addition made in
23 the last probably 10 or 15 years. It's less
24 substantial.

25 They don't I think at this point intend

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1 to use that as an assembly space. It was
2 going to be for the part of the overall home.
3 The main attraction is the barn space itself.

4 MS. MITINGER: Is that where the
5 alpacas were?

6 MR. DIERSEN: The alpacas were below.
7 That's where the chickens currently are.

8 BRAD FORBES: That's right.

9 MS. MITINGER: Just checking. Thank
10 you.

11 MR. DIERSEN: On the plan, you can see
12 one of the main features and also -- I'll
13 just turn this around as well, I think it's
14 your next page, you'll see is the rendering.

15 The main goal that the Forbes came to
16 me with was to maximize the amount of
17 screening toward the street to create a
18 private environment both for their events and
19 to also minimize the impact on the adjacent
20 neighbors and the public facing the street.

21 So to that end, we have developed a
22 plan whereby the assumed ceremony spaces,
23 which are labeled here, will be sort of the
24 open space on the second floor, the opening
25 from the barn facing toward their land, which

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1 is sort of the furthest point from the
2 street, and then the flat area that was sort
3 of the alpaca parking lot to the side of the
4 lower level of the barn, which is over
5 towards what's labeled as pond and bridge.

6 The pond and the stream feeding into
7 the pond are really a long-term plan for what
8 is really just a drainage way that exists
9 there that the clients would like to greatly
10 improve and make sort of an asset to the
11 overall space and, you know, plant it with
12 native wetland vegetation, and all of the
13 things that will help to make it an appealing
14 destination for events. -

15 Labeled on here are limited parking
16 facilities. The intent for those are
17 caterers and furniture rental, loading and
18 off loading, disabled patrons who need to be
19 dropped off, elderly, less mobile
20 individuals.

21 The intent is that the amount of
22 parking onsite would be absolutely minimal
23 and only that which is completely necessary.

24 There's a label on the restroom
25 trailer. The intent is to use a -- if anyone

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1 has seen them, we presented some examples to
2 the Planning Commission.

3 MS. MITINGER: That's under Tab 5. We
4 have examples of the portable facilities.

5 MR. DIERSEN: So these are flushable
6 but not hard-plumbed facilities that are
7 serviced by an outside company.

8 DR. DiSANTI: These would be rented or
9 brought in for events?

10 MR. DIERSEN: Yes. So the intent is to
11 satisfy that requirement in that fashion.

12 MS. MITINGER: Can you describe the
13 changes that are proposed for the interior of
14 the barn, too, to accommodate the proposed
15 use?

16 MR. DIERSEN: Sure. As I mentioned
17 earlier, one of the biggest assets of the
18 barn is really, you know, its own sort of
19 charming, rustic character. So as much as
20 that can be preserved, it will be.

21 So the intention is to make the
22 intervention that we do as low impact as
23 possible.

24 So that's going to involve improvements
25 to the floor to make sure that the surfaces

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1 are consistent. That all of the spaces that
2 need to be accessible are accessible.

3 That's going to include lighting and
4 emergency lighting. That's going to include
5 any life safety, fire protection and fire
6 alarms that would be required by the building
7 code.

8 And that's something that as we
9 progress with the design, we'll firm up in
10 our understanding and the overall approach.

11 MS. MITINGER: Obviously it's your
12 intent as an architect to design the building
13 to be compliant with all of the local codes
14 and ordinances, and that some of the details
15 would be flushed out in a land development
16 process?

17 MR. DIERSEN: Yes.

18 DR. DiSANTI: You have an occupancy
19 rating for that building as far as
20 numbers go?

21 MR. DIERSEN: So there are some --
22 there are some illusions to certain numbers
23 of individuals that are within the space.

24 Just purely going from building code
25 and space takeoff, each of the spaces, the

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1 barn space is roughly 2,000 square feet.
2 That's on two levels. The basement space is
3 similarly sized.

4 They would never -- as far as we have
5 discussed, the intent would be that any
6 assembly use would be in the main space, and
7 that anything happening on the other level
8 would be in support of that.

9 So that space at 2,000 square feet just
10 sort of -- it falls in a range, depending on
11 how you program the room.

12 If it were tables and chairs, that's a
13 15 net square foot, and you'd be like at 133.
14 If it were loose chairs, it could be up above
15 200. I don't think that they intend to be --
16 and I don't want to speak for them.

17 MS. MITINGER: I was going to say
18 Mr. Forbes is going to talk a little bit more
19 about the operational details, but from a
20 building code and occupancy --

21 DR. DiSANTI: I'm concerned about the
22 structure of the building being as old as it
23 is, you put 150, 200 people in there, how
24 safe is it?

25 MR. DIERSEN: It would absolutely be

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1 part of the scope of our services to inspect
2 the structure and reenforce it in any way
3 that was necessary to accommodate.

4 DR. DiSANTI: That's not been done.

5 MR. DIERSEN: No, that hasn't been
6 done.

7 DR. DiSANTI: So we don't know exactly
8 how safe it is as far as number of people.
9 Decks today have numbers that you can put on
10 them.

07:27PM

11 MR. DIERSEN: Right, right.

12 DR. DiSANTI: So we would be thinking
13 how safe is this structure for 150 people.

14 MR. DIERSEN: We would be making the
15 structure entirely code compliant for the use
16 we would be proposing.

17 MR. VAEREWYCK: If that's a hayloft,
18 the hay is really heavy.

19 DR. DiSANTI: We're talking about
20 people, not bailing hay.

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21 MR. DIERSEN: Right. When I talk about
22 numbers, I'm thinking with my building code
23 hat. They're thinking with their actual
24 operational hat on.

25 So they have a more -- and, of course,

1 as you know, anything that we propose, we can
2 propose a placarded occupancy limit that
3 would be in line with what they wanted to do
4 and what is appropriate for the building
5 department.

6 DR. DiSANTI: Thank you.

7 MS. MITINGER: Again, we're going to
8 hold questions to the end. I think the next
9 witness would be Mr. Forbes.

07:28PM 10 Brandon, can you introduce yourself?

11 BRANDON FORBES: Sure. My name is
12 Brandon Forbes, 997 Deer Creek Road.

13 MS. MITINGER: Brandon, can you explain
14 your responsibility with respect to this
15 project?

16 BRANDON FORBES: Yes. I am the husband
17 of Ariel Forbes. So in that role, I'm in a
18 support role. (Chuckles in the room.) I'm
19 going to be overseeing the operation side.

07:28PM 20 MS. MITINGER: You helped develop the
21 plan that was provided as part of the
22 conditional use application?

23 BRANDON FORBES: Yes.

24 MS. MITINGER: And can you just explain
25 generally to the Board what types of events

1 that you are proposing and how you intend to
2 manage those?

3 BRANDON FORBES: Yes. So we're
4 envisioning two types of events: A smaller
5 events which would be utilized onsite
6 parking. So maybe a baby shower or smaller
7 birthday party, a community movie night,
8 which I've discussed with some of the
9 neighbors.

07:29PM 10 And then a larger event, would be
11 something like a larger gathering, a larger
12 family reunion, a wedding, a reception,
13 something of that nature.

14 MS. MITINGER: And the events would be
15 open to the public? Could anybody just
16 attend or how do you intend to control how
17 many events there are and when they would
18 occur?

19 BRANDON FORBES: The events will be by
07:29PM 20 reservation only and by contract. So it
21 would not be open to the public.

22 MS. MITINGER: And I think under
23 Exhibit 6 in your Exhibit book, there's the
24 Operations Plan that you had presented as
25 part of the Planning Commission.

1 Can you just explain some of the
2 highlights in terms of how you intend to
3 manage the proposed use?

4 BRANDON FORBES: Sure. I think most
5 importantly are it would be our hours of
6 operation.

7 So in the Application For Conditional
8 Use, we are proposing for Friday and Saturday
9 events. No event, no matter what day of the
10 week it would be on, would be before 11 a.m.

11 For Friday and Saturday, any amplified
12 noise would cease by 11 p.m., and an event
13 will end no later than 11 p.m., and all event
14 attendees would fully vacate the premise by
15 11:30.

16 For Monday through Thursday and Sunday,
17 we're saying, again, an event would not begin
18 any earlier than 11.

19 All amplified noise would cease by
20 eight. An event would end no later than
21 nine, and all attendees would vacate the
22 premises by 9:30.

23 MS. MITINGER: And how do you intend to
24 enforce those hours of operation?

25 BRANDON FORBES: By specific provisions

07:30PM

07:30PM

1 within the contract for an event,
2 re-enforcing those requirements verbally
3 with -- on the day of the event with the
4 person with whom you are contracted, having a
5 security deposit in place to make sure that
6 rules are being followed, and also we'd like
7 to partner with West Deer Police Department
8 or a security group to have a security
9 officer after 8 p.m. available for large
07:31PM 10 evening events to ensure safe, orderly, and
11 timely departure.

12 MS. MITINGER: And, again, this is part
13 of the operational plan that you had
14 presented to the Planning Commission, but are
15 you intending to have 15, 20, 30 events a
16 week or weekend, or how many events are you
17 planning to have in the space?

18 BRANDON FORBES: As we said in our
19 application, we would have a weekly maximum
07:31PM 20 capacity of three events, and with all
21 probability, there would be fewer events most
22 weeks.

23 In addition, there will likely be weeks
24 or months at a time without an event
25 scheduled. This is also because we are

1 currently looking at it as a seasonal use;
2 meaning only during warmer months, with a
3 possibility of potentially insulating and
4 using some climate control in the future, but
5 it would only be seasonal.

6 MR. GUERRE: Can I ask a question?

7 MS. MITINGER: Sure.

8 MR. GUERRE: Is there going to be more
9 than one event at any one time?

07:32PM 10 BRANDON FORBES: No.

11 MR. GUERRE: Okay. You're sure about
12 that?

13 BRANDON FORBES: Yes.

14 MR. GUERRE: You won't have two small
15 events there?

16 BRANDON FORBES: No, not
17 simultaneously, no.

18 MR. GUERRE: Okay.

19 MS. MITINGER: You had mentioned
07:32PM 20 amplification.

21 Can you discuss a little bit about --
22 you did talk about the hours of operation,
23 but to the extent that there's music at these
24 events, can you explain how you intend to
25 manage that?

1 BRANDON FORBES: Sure. All amplified
2 noise would be inside of the barn. So there
3 would be no speakers outside, and we plan to
4 use sound mitigating materials, like
5 screening and buffering, especially in the
6 landscape design, as well in the renovation
7 of the barn, and also having strictly
8 enforced hours of operation.

9 MS. MITINGER: And Exhibit Tab 8, you
10 had been provided as excerpts from the West
11 Deer Zoning Ordinance or a West Deer
12 Ordinance -- it's not a Zoning Ordinance --
13 about hours for public entertainment?

14 BRANDON FORBES: That's right. If you
15 turn to Section 8, this is from the Ordinance
16 regarding public entertainment.

17 Basically for a public event, the
18 Ordinance states, Any public gathering not
19 held in a building, shall not be terminated
20 later than midnight, and it shall be unlawful
21 for any person to remain on the premises
22 between hours and one and six, provided that
23 employee's duties necessitated they may
24 remain on the premises for the performance of
25 such duties.

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1 Basically it's saying if you have a
2 public event that's outside, it has to end no
3 later than midnight.

4 So what we are proposing is any event
5 earlier in time for a Friday and Saturday
6 event, this would be a private event. This
7 wouldn't even be an event open to the public,
8 and then for the majority of the week, if
9 there were events, everything would be done
10 by nine and everyone would be gone by 9:30.

11 And, of course, all evening aspects of
12 the events would occur inside the barn, not
13 outside.

14 So what we're proposing is an earlier
15 end time with a use inside of the structure,
16 whereas this Ordinance has -- which is open
17 to the public, has people being outside until
18 midnight.

19 MS. MITINGER: And so any -- if you had
20 a band or a DJ, all the amplification
21 would -- it wouldn't be outside. It would be
22 inside and it would be ending no later than
23 11?

24 BRANDON FORBES: Only on Friday and
25 Saturday, but it would be ending by -- let me

07:34PM

07:34PM

1 say I believe it's eight on Sunday and Monday
2 through Thursday.

3 MS. MITINGER: Okay. And do you intend
4 to have a catering kitchen onsite or is that
5 the obligation of the guests to bring -- to
6 have the caterers come to the property?

7 BRANDON FORBES: It's the obligation of
8 the guests.

9 MS. MITINGER: And that would be also
10 part of your contract that you would have
11 with any --

12 BRANDON FORBES: Absolutely.

13 MS. MITINGER: And what about tables
14 and chairs and things like that to --

15 BRANDON FORBES: They would be inside
16 the barn, with the possibility of having a
17 ceremony outside in the space beside the barn
18 beforehand.

19 MS. MITINGER: Another question that I
20 think the Township engineer had raised to be
21 addressed in a land development plan, what
22 about lighting?

23 Are you intending to have outdoor
24 lighting or just safety lighting?

25 BRANDON FORBES: There will be exterior

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1 and interior lighting for safety.

2 All -- any lighting would stay on the
3 property and follow code per the engineer's
4 suggestion. It would be low impact and
5 include screening and shading.

6 MS. MITINGER: Now, I'm sure the
7 concern of the Supervisors, as well as some
8 of the members of the public would be
9 parking.

07:35PM 10 Can you explain, first of all, in the
11 context of the size of the events that you
12 are proposing, how you intend to manage
13 property -- parking? Sorry.

14 BRANDON FORBES: Sure. So we want to
15 do off-site parking again to keep the farm as
16 a farm for larger events and utilize the
17 shuttle service that would run before the
18 event and then also throughout the end of the
19 event.

07:36PM 20 We see that as having a minimal traffic
21 impact. We've actually asked a traffic
22 engineer to review our plans and he's going
23 to testify after me.

24 MS. MITINGER: But you had -- because
25 offsite parking requires an offsite parking

1 place, have you had any discussions about
2 where that off-site parking could be held?

3 BRANDON FORBES: Yes. In fact, if you
4 look at Exhibit No. 9, there's a Letter of
5 Intent from the Pine Richland School District
6 that they are -- would be interested in
7 entering into discussions regarding possible
8 rental of a parking lot on their property.

9 MR. GUERRE: How far away is that, the
10 parking lot? How far would that be from your
11 barn?

12 BRANDON FORBES: Six-minute drive.

13 MR. GUERRE: How many miles?

14 BRANDON FORBES: The mileage? Off the
15 top of my head, I'm not sure. I'm not sure.

16 MR. GUERRE: About two miles?

17 BRANDON FORBES: I think it's longer
18 than that.

19 MR. McMANUS: More like five. It
20 depends on what school.

21 BRANDON FORBES: The elementary school.

22 MS. MITINGER: Are there other options
23 in addition that you have discussions?

24 BRANDON FORBES: Yes, we have had other
25 discussions as well, but just weren't able to

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07:37PM

1 get a Letter of Intent.

2 MR. GUERRE: There's nothing contracted
3 yet, though?

4 BRANDON FORBES: No.

5 MS. MITINGER: There's isn't anything
6 contracted yet, and I think the Forbes
7 recognize that the plan is dependent on
8 having a firm contract, and we would
9 certainly agree to submit that contract as
10 part of a conditional use approval.

07:37PM

11 That is as important to their business
12 model as it is to the community to have that
13 assurance. So that would certainly be an
14 appropriate condition.

15 BRANDON FORBES: I would like to
16 briefly add the letter from the Township
17 Engineer, Mr. Shoop indicated that an
18 agreement would be suggested for the land
19 development plans. So this was a Letter of
20 Intent.

07:38PM

21 DR. DiSANTI: In the letter Mr. Shoop
22 sent to us, there was some reference to
23 neighboring churches as a possible site for
24 parking.

25 BRANDON FORBES: Yes, that's right.

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DR. DiSANTI: Are you still in discussion with them?

BRANDON FORBES: There have been some discussions with the churches, yes, but the only letter that we have at this time is with Pine Richland.

MS. MITINGER: There's a little bit of timing issue. If a church has its own wedding, you would want to park at the school because the school wouldn't be in session during the weekend.

But by contrast during the weekdays, it maybe appropriate at a church because the school is in session.

So it may be one or two parking agreements that accommodates the use fully. But again, the business model really depends on having outside parking.

So it's as important to the Forbes as it is to you all.

DR. DiSANTI: So it's your intent if Pine Richland negotiating with you, is it your intent to get a year contract with them?

BRANDON FORBES: Right. And the specific terms of the contract would be -- we

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1 would figure that out. So I'm not sure how
2 long it might be.

3 MS. MITINGER: Again, we've discussed
4 about the parking for guests being offsite in
5 what -- the location where you eventually
6 obtain a contract. But then how do you
7 envision the guests being transported to the
8 venue?

9 BRANDON FORBES: With two 15-passenger
10 vans, and we also plan to have a parking
11 attendant help facilitate that process of
12 shuttling.

13 MS. MITINGER: You had mentioned that
14 there was going to be a security guard
15 onsite, and would one of the responsibilities
16 of the security guard be to ensure that
17 guests aren't just going to drive up there
18 and park on the road?

19 BRANDON FORBES: That's correct.

20 DR. DiSANTIS: What arrangements do you
21 have for clean-up?

22 BRANDON FORBES: We would hopefully
23 contract with some local businesses, cleaning
24 businesses to clean up.

25 MS. MITINGER: But, again, that would

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1 be part of your contract with the guests as
2 well to ensure that the cleanup takes place?

3 BRANDON FORBES: Absolutely.

4 MR. MATOR: Was Deer Lakes contacted?
5 You contacted Pine Richland. Did you contact
6 Deer Lakes about parking arrangements?

7 BRANDON FORBES: No. And part of that
8 reason was we felt like Pine Richland was a
9 more direct route on a major road, the Red
10 Belt, and also I think it might be a little
11 bit closer when you count on all the curves
12 on Deer Creek Road.

13 MS. MITINGER: Brandon, I just had one
14 other question. Ariel had mentioned, and I
15 think Matt had mentioned also, the onsite
16 parking area.

17 Can you just describe what that would
18 be used for?

19 BRANDON FORBES: Sure. Yes. The
20 onsite parking, the spaces would be limited
21 to ten. That's what we are proposing. For
22 smaller events, it's possible that parking
23 could be used in those ten spaces.

24 At the larger events, as Matt
25 indicated, caterers, support staff, and

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1 senior family members could utilize those
2 spaces. One would be a space for a disabled
3 person.

4 DR. DiSANTI: You had mentioned
5 somewhere, I had heard that you wanted to
6 keep the green areas out for whatever reason.

7 Is that the sole reason why you
8 wouldn't entertain parking on your property?

9 BRANDON FORBES: I think the intent
10 behind offsite parking is actually to further
11 minimize the impact.

12 According to the Place of Assembly
13 Statute, onsite parking is certainly allowed,
14 but it was our intention to further minimize
15 the impact that having people park on the
16 property would cause and, also, because we
17 think it's a beautiful piece of property and
18 we would like to keep it farmland.

19 MS. MITINGER: You had mentioned that
20 you envision this use being appropriate for
21 certain months of the year, but for the rest
22 of the time you live there, and you don't
23 want to be living on a parking lot
24 presumably.

25 BRANDON FORBES: Right.

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1 DR. DiSANTI: Well, then you'd also be
2 responsible for maintenance, snow removal,
3 gravel, whatever you would need to, and I
4 understand all of that, but it would seem to
5 take the question of contracting where are
6 you going to park? Do you have a contract
7 yearly for us to review?

8 Another question I have is that you
9 demonstrated porta johns or I should say
10 elaborate bathrooms.

11 Have you entertained putting permanent
12 bathrooms into the barn alone?

13 BRANDON FORBES: Yes. Since that is a
14 much larger investment, I think initially to
15 see if this is a business model that would
16 work, we would do the temporary bathrooms.

17 MR. MATOR: Mr. Forbes, one more
18 question for you. You live on the property
19 too, right?

20 BRANDON FORBES: Yes.

21 MR. MATOR: So you have a residential
22 use and a business use on the same property?

23 MS. MITINGER: I was going to say this
24 would be -- I think it's the Place of Public
25 Assembly is one that's permitted in the

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1 Zoning Ordinance in the R District in the
2 Rural District.

3 So I think it envisions that the two
4 uses could co-exist on the property.

5 MR. MATOR: Okay. Which one would be
6 the principle use though?

7 MS. MITINGER: I think under the Code,
8 that this would be accessory, because it
9 would be part of the home. The home is
10 there. The residence is there.

11 You could subdivide it so you had a
12 line down the middle, but the barn is on the
13 separate property.

14 They intend to keep their home as the
15 primary residence on that parcel, but if it
16 was necessary to create a line so that there
17 were two separate parcels and two separate
18 primary uses, but I think these are uses that
19 can co-exist without violating any provision
20 of the Code.

21 DR. DiSANTI: So you are planning on
22 running the business out of your home then?

23 BRANDON FORBES: Yes.

24 DR. DiSANTI: So you would have phone
25 scheduling, contracting, and whatnot, through

1 your home? That would be your office then?

2 BRANDON FORBES: Yes.

3 ARIEL FORBES: The details of which
4 would -- that's not something we have planned
5 out.

6 DR. DiSANTI: You need a place to take
7 care of your business.

8 ARIEL FORBES: We also have --

9 DR. DiSANTIS: So is it going to be at
10 the barn or the house? I'm just curious.

11 ARIEL FORBES: Sure. We also have --
12 this just isn't something we specifically
13 addressed, so --

14 DR. DiSANTI: All right. I just --

15 ARIEL FORBES: That's fine. We might
16 rent office space elsewhere. It just depends
17 on the nature of the business practice would
18 be.

19 DR. DiSANTI: Thank you.

20 ARIEL FORBES: Sure.

21 MS. MITINGER: A lot of this could be
22 done virtually, too, I would imagine.

23 ARIEL FORBES: Right.

24 BRANDON FORBES: Yes.

25 MS. MITINGER: We do have a traffic

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1 engineer, and I don't want to belabor the
2 traffic information, but because I think
3 that's of concern to the neighbors, I would
4 like him to have a quick opportunity to
5 testify as to the letter he's presented.
6 That's the last exhibit in the Exhibit book.

7 Can you introduce yourself for the
8 record please?

9 JEFF DePAOLIS: Good evening. Jeff
07:45PM 10 DePaolis, D-E-P-A-O-L-I-S. I'm a principal
11 of the firm Trans Associates Engineering
12 Consultants out of Pittsburgh, 4955
13 Steubenville Pike, Pittsburgh, 15205.

14 MS. MITINGER: Mr. DePaolis, have you
15 reviewed the Forbes' property and the traffic
16 impacts of the proposed use?

17 JEFF DePAOLIS: I have. We had
18 performed a site visit, took a look at the --
19 particularly at this point looked at the
07:45PM 20 access, ingress and egress points to the
21 property, and also took a look at the
22 estimated trips that could be anticipated
23 based on several event sizes.

24 MS. MITINGER: And you've heard
25 Mr. Forbes describe the model that they are

1 intending.

2 Can you -- was that incorporated into
3 your analysis of the traffic impacts?

4 JEFF DePAOLIS: Yes. We had
5 significant discussions with regards to the
6 best practices for the operation.

7 MS. MITINGER: And so part of your
8 analysis was based on the offsite parking
9 being proposed and the number of trips that
10 would be required to support a limited number
11 of people on the site?

12 JEFF DePAOLIS: That's correct.

13 MS. MITINGER: You prepared a letter
14 dated May 19, 2015 that's provided as
15 Exhibit 9 in the exhibit books?

16 JEFF DePAOLIS: Yes.

17 DR. DiSANTI: Excuse me. Mr. Shoop,
18 did you have an opportunity to read that
19 letter?

20 MR. SHOOP: No.

21 DR. DiSANTI: Thank you. Go ahead.

22 MS. MITINGER: What did you determine
23 with regard to the trip generation for the
24 proposed use?

25 JEFF DePAOLIS: Based on the operating

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1 parameters we were given, and that is
2 assuming ten spaces are provided on site, we
3 assumed several of those -- we assumed up to
4 half -- we would need to reserve for people
5 who are working the facility, whether they be
6 caterers, DJ, stuff like that; potentially
7 reserving the other spaces for persons that
8 may need help, elderly relatives or whatever,
9 for wedding events.

07:47PM 10 So some guests of the events we assume
11 would be on site, therefore, utilizing the
12 ten parking spaces on site, and we assumed
13 the rest of the guests would be accompanied
14 offsite.

15 Again, at this point since there's no
16 definite location to that offsite, we again
17 just simply took a look at generally how many
18 shuttle trips it would take to bring all of
19 the residents -- or excuse me -- all of the
07:47PM 20 guests to the facility and then shuttle them
21 back when the event was over and just the
22 operation of the driveways as to getting
23 those shuttles in and out.

24 MS. MITINGER: And in your letter, you
25 described the daily -- the total daily trips

1 that would be estimated for the different
2 sizes of events.

3 Could you generally summarize what
4 those would be?

5 JEFF DePAOLIS: Sure. Basically we
6 took a look at a 15-person event. We took a
7 look at 15-person shuttle van.

8 Obviously 15 persons includes the
9 drivers, calling for a maximum 14 guests per
10 trip. That would be pretty cramped quarters
11 based on any research we have done.

12 Therefore, to be conservative, based on
13 the research we did, we assumed approximately
14 11 guests would be in each shuttle before the
15 shuttle would be allowed to depart the
16 offsite lot.

17 Therefore, we took a look at different
18 event sizes starting with a 75-person event
19 based on that, and as I said, assuming some
20 of the parking spaces onsite were used, we
21 would assume approximately six shuttle trips
22 one direction would be required to get an
23 event of 75 people to and from the facility.

24 That would be six trips in and back out
25 obviously to head back again to the offsite

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1 lot.

2 Then at the end of the event, same
3 thing. They would have six trips in, six
4 trips back out to shuttle the people back
5 from the event to the offsite parking lot.

6 Assuming, again, the use of the spaces
7 onsite, we had approximately -- I believe the
8 number was 44 total trips that could be
9 expected for a 75-person event.

07:49PM 10 We took a look at a hundred, 150, and
11 then the maximum 200, which again we were
12 told would be potentially the maximum worse
13 case that the operators would be
14 accommodating, and that may not even come to
15 fruition, but at a 200-person event, we would
16 assume that they would take 18 or three times
17 the number of shuttle trips to get the people
18 to and from the event.

19 Therefore, including the parking
07:49PM 20 onsite, we came up with approximately 92
21 trips per day.

22 Obviously when we talk as a traffic
23 engineer in terms of average daily traffic,
24 we don't look at a worst-case scenario. That
25 would be like designing McDonald's for the

1 day after Thanksgiving as far as traffic.

2 So we took a look at average daily
3 traffic, and based on the various map sizes,
4 we would assume approximately 68 daily trips
5 to the facility based on the average-size
6 event.

7 MS. MITINGER: And as a traffic
8 engineer, you are not going to design for the
9 worst-case scenario?

10 JEFF DePAOLIS: That's correct.

11 MS. MITINGER: But is your estimate
12 generally conservative in the scheme of
13 things?

14 JEFF DePAOLIS: I believe it is.
15 Obviously there may be some unusual
16 situations where a guest gets ill and needs
17 to be shuttled back by themselves, which may
18 cause an additional trip or two, but I think
19 for the most part the owners can control the
20 event as to how the shuttles are utilized,
21 and we believe those are fairly conservative
22 estimates.

23 MR. GUERRE: Sir, I calculate a round-
24 trip would take 18 to 20 minutes, if you
25 figure six minutes one way, three minutes

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1 load, three minutes unload, 18 to 20 minutes.

2 How do you propose to clear them out by
3 11:30 if you shut down by 11?

4 BRAD FORBES: Sure. That's a good
5 question. When we say an event would end at
6 11, we would say it would end no later
7 than 11.

8 So for a larger event, we would be able
9 to run the shuttles to make sure whatever
10 size person -- whatever size of those
11 attending we had, we would get them to the
12 parking in time to get everyone off the site
13 by 11:30.

14 MR. GUERRE: You start chasing them out
15 early then, right?

16 BRAD FORBES: Not early, but rather by
17 contract. So if we anticipate the event
18 would be 150 persons, we would say your end
19 time would have to be within enough time to
20 get everyone off the property by 11:30.

21 MR. GUERRE: Okay.

22 DR. DiSANTI: Have you entertained
23 larger vehicles other than 14-size vehicles?
24 School buses, for example. Have you
25 entertained that?

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1 BRAD FORBES: Right. We thought about
2 it. We felt like the smaller vans would be
3 easier to get around.

4 JEFF DePAOLIS: The only thing, as I
5 started to talk about at the beginning, we
6 did take a look at the available site
7 distance at the two driveways to the existing
8 property to make sure that there's adequate
9 site distance looking up and down the road.

07:52PM 10 We haven't had formal discussions with
11 Mr. Shoop yet, but I'm assuming a single
12 family residence is typically treated as a
13 minute use driveway.

14 If you would increase it to allow
15 events onsite, PennDOT would probably want
16 you to get a formal highway occupancy permit
17 for a low volume type driveway. In which
18 case, you need to make sure you have adequate
19 site distance.

07:52PM 20 Right now, it appears from the northern
21 driveway there is more than adequate sight
22 distance for vehicles turning in. However,
23 leaving, there's a site distance restriction
24 to the right from the northern driveway.

25 Also, if you are leaving out of the

1 southern driveway, which they are not
2 proposing, they are proposing entering in a
3 one-way circulation pattern, if you were
4 leaving the southern driveway, there is
5 adequate sight distance to the right. Also
6 entering. But there's a deficiency to the
7 left.

8 So that's deficiency is caused by
9 vegetation between the two driveways, which
07:53PM 10 we feel could be accommodated by simply
11 trimming and maintaining, and I believe that
12 would have to be part of the Forbes' Highway
13 Occupancy Permit that PennDOT would need a
14 guarantee that that would be trimmed and
15 maintained at all times.

16 MR. MATOR: That's actually a question
17 I had. I read that in your document.
18 Because it's a State road, PennDOT would have
19 to maintain that?

07:53PM 20 JEFF DePAOLIS: No. The property
21 owners are required to maintain that, but
22 that will be a condition of their Highway
23 Occupancy Permit is ensuring that that is
24 maintained.

25 MR. MATOR: Okay.

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SOLICITOR HAPPEL: I have one question for you on the traffic study.

Is this actually a Traffic Impact Study that includes the elements that are required by our Ordinance for the --

MS. MITINGER: It's not. And I'd actually like to -- and there's a little bit of a discrepancy in the Code about -- of the need for full Traffic Impact Study.

I actually pulled it out of my Code section. I tabbed it. Oh. It's the Traffic Control Provision of Section 21.4.9, which is in the land development sections, and it says that should an official traffic study not exist for the Township, the developer may be required by the Township to complete such a study for a development that generates more than one hundred average daily trips and which study shall address the development and specific traffic problems. Requirements for said traffic study shall be determined by the Township.

So the use we're proposing -- I think the Places of Assembly use can allow up to 300 people and assumes parking onsite, which

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1 may trigger the requirement for a Traffic
2 Impact Study.

3 But again, the Traffic Control
4 Provision of the Code indicates where the use
5 would generate fewer than a hundred trips,
6 then a Traffic Impact Study might not be
7 required. So I mean if that were a
8 condition --

9 SOLICITOR HAPPEL: Well, but it is
10 actually one of the standards of the
11 conditions.

12 MS. MITINGER: And I recognize that.
13 But again, it is because there is this
14 contradiction of the Code.

15 If the Board were to require a full
16 Traffic Impact Study, we could do one, but
17 the review that we have done indicates that
18 fewer than a hundred trips would be required.

19 SOLICITOR HAPPEL: But again, I think
20 you and I may be looking at this a little
21 differently.

22 The conditional use standard requires a
23 Traffic Impact Study so that it provides
24 certain information so that this Board can
25 make decisions about onsite adjacent traffic

07:55PM

07:55PM

1 and certain things that are required.

2 MS. MITINGER: That's why we wanted to
3 have a traffic engineer here this evening to
4 explain that.

5 I think if we could talk about this,
6 the legal standards for imposing a condition
7 on a conditional use, but I think should that
8 be a specific criteria that the Supervisors
9 feel is necessary, then we could do one.

07:56PM 10 But again, the expense of having a full
11 Traffic Impact Study when the Code says that
12 a traffic study might not be required when
13 fewer than a hundred trips are anticipated --

14 SOLICITOR HAPPEL: So are the Forbes
15 then asking this Board to waive the traffic
16 study requirement?

17 MS. MITINGER: No. I was going to say
18 what -- it's one of those chicken in and egg
19 kind of things.

07:56PM 20 It's like the parking contract. They
21 haven't entered a parking contract to bring
22 to the Board today, but before getting an
23 Occupancy Permit or a final approval, that
24 could be a condition that could be met.

25 I think there's the Pennsylvania

1 Supreme Court case of Bersard which talks
2 about the after-completed condition with
3 respect to a special exception or a
4 conditional use.

5 It is something that we have every
6 intention of meeting and being consistent
7 with what the Board's concerns are, but it is
8 something that can be completed afterwards.

9 SOLICITOR HAPPEL: Well, then it would
10 make it difficult for any approval in which
11 the Board wanted to attach additional
12 conditions, they couldn't -- any approval
13 which is permitted under the Code, they can
14 attach to the additional conditions. They
15 can't do so without a traffic study that may
16 or may not determine whether there's other
17 onsite or traffic improvements that are
18 needed.

19 So the chicken and the egg, this Board
20 can't make approve a request without some
21 information on which they can attach a
22 condition to be approved.

23 MS. MITINGER: And I understand what
24 your concern is. The engineer has indicated
25 that he has not had an opportunity to review

1 Trans Associates' letter, and maybe a
2 discussion among engineers might be
3 appropriate and any additional information
4 could be required.

5 SOLICITOR HAPPEL: Absolutely. That
6 would go directly to our engineer and there
7 would have to be some discussion with him.

8 MS. MITINGER: Yes. That to me would
9 probably answer a lot of questions.

07:58PM 10 SOLICITOR HAPPEL: Right now, what I
11 see, and I'll tell you right now we don't
12 have a traffic study for which this Board or
13 the engineer can give an opinion on, whether
14 or not we want to attach additional
15 conditions for approval.

16 We don't have -- also don't have any
17 information whether there is adequate parking
18 for these types of events.

19 We have a possible parking lot that may
07:58PM 20 provide adequate parking, but we're not sure
21 yet.

22 So it's difficult to have to make an
23 approval or denial without this information
24 in front of the Board and have an opportunity
25 to look at it with the eyes on it from the

1 engineer.

2 MS. MITINGER: And I would just add
3 that that's precisely the issue that came up
4 from Bersard (phonetic) was that there wasn't
5 a final contract, and the question was
6 whether an intent to enter a contract was
7 sufficient, and the Supreme Court found that
8 the intent to enter the contract was fine, as
9 long as at the time of the Certificate of
07:59PM 10 Occupancy a final contract that was
11 suitable -- that was acceptable to the -- in
12 that case, it was the City of Pittsburgh, but
13 it was acceptable, a contract acceptable and
14 enforceable to the City was provided.

15 SOLICITOR HAPPEL: I understand that,
16 but again, we have possible other locations
17 where there's no intent or there's just a
18 discussion, and there may not be viable
19 parking available for an event at the school
07:59PM 20 district, Pine Richland School District, and
21 you are going to need to park somewhere else,
22 but there's no actually intent or any
23 documentation with respect to those other
24 parking areas.

25 So still to the -- right now, it's

1 rather -- not quite at least, unless we hear
2 more evidence at this point in time, provided
3 enough information for this Board to make a
4 decision.

5 MS. MITINGER: And I guess I would
6 address that two ways. The parking issue is
7 one that is critical to the business as it's
8 been proposed, and it is as important to you
9 as -- I mean it is probably -- it's more
10 important to them to have the contracts in
11 place for that parking, because they couldn't
12 contract with any customers or any people who
13 want to have an event unless they're able to
14 provide parking.

15 So in that sense, it's a
16 self-fulfilling condition, because they need
17 to have that parking confirmed.

18 SOLICITOR HAPPEL: I understand that;
19 they can't run a business without.

20 Certainly you're looking at it from the
21 standpoint of your clients. I need to look
22 at this from the standpoint as the Board.

23 They have to have information in front
24 of them that would provide an opportunity for
25 them to approve or deny a conditional use

08:00PM

08:00PM

1 request, and adequate parking, and in and out
2 traffic are legitimate issues that the Board
3 could consider and whether or not to approve
4 a conditional use application.

5 It's not something our engineers had a
6 chance to look at, and we don't have any
7 agreements to look at right now.

8 MS. MITINGER: Again, I appreciate your
9 concerns, and I do think that it would be
08:01PM 10 very constructive for the engineer to have an
11 opportunity to see what the traffic engineer
12 has reviewed.

13 MR. DePAOLIS: Mr. Solicitor, the only
14 thing I wanted to add, counsel was talking
15 about the need for the study.

16 Typically a traffic study is done
17 during peak hours. As the owners have
18 already testified and as we've been given
19 information, this is not a peak-hour
08:01PM 20 generator.

21 So it wouldn't be a typical traffic
22 study as per what your Ordinance typically
23 looks at.

24 We have worked with Mr. Shoop on
25 occasion in the past, and if you would like

1 us to talk to him, Mr. Shoop.

2 SOLICITOR HAPPEL: Absolutely.

3 MR. DePAOLIS: Maybe we can work that
4 out. Now obviously I don't expect him to
5 make a decision here.

6 I think we need to discuss how one
7 would be prepared if one would be, because in
8 a standard Traffic Impact Study, you
9 basically say, "We're not generating any peak
10 hour trips. Therefore, there is no impact."

11 SOLICITOR HAPPEL: There's also a
12 question, is there going to be a Traffic
13 Impact Study required at the place where you
14 are going to park your cars?

15 MS. MITINGER: I don't think so. It
16 would depend obviously whether it was in the
17 Municipality or not.

18 SOLICITOR HAPPEL: I would think that
19 if it's in West Deer Township, there may be a
20 traffic study before you are going to have
21 30, 40, 50, a hundred cars.

22 MS. MITINGER: Absolutely. I mean if
23 it is not traffic that's currently
24 anticipated for that particular lot, yes. I
25 appreciate that.

08:02PM

08:02PM

1 I would say there are specific
2 standards for the conditional use proposal,
3 and what I was going to suggest is because
4 there are some open items -- and I do know
5 that there are a number of people who want to
6 speak with respect to the use -- it might be
7 constructive if we either continue for us to
8 have an opportunity to have that discussion
9 or we can also -- you know, we're happy to
08:03PM 10 answer any questions this evening, but hold
11 this open so that we could provide that
12 additional information that's already been
13 raised.

14 SOLICITOR HAPPEL: I think the Code
15 provides an opportunity to continue this to
16 get additional information. I think we have
17 a lot of people here that want to actually
18 speak.

19 MS. MITINGER: Absolutely.

08:03PM 20 SOLICITOR HAPPEL: We discussed this,
21 but I would suspect this particular hearing
22 is going to be continued until adequate
23 information is provided with the agreement
24 from the homeowners if that's --

25 MS. MITINGER: Yes.

1 DR. DiSANTI: Mr. Chairman, are there
2 any petitions either for or against this
3 project from any residents or anything?

4 MR. FLEMING: None that I know of, no.

5 SOLICITOR HAPPEL: Go ahead.

6 MR. FLEMING: First of all, are you
7 done with your --

8 MS. MITINGER: I was going to say,
9 holding --

08:03PM 10 MR. FLEMING: I know you are holding
11 for questions.

12 MS. MITINGER: I would also offer to
13 the Solicitor when we do actually close the
14 hearing, if we could have an opportunity to
15 present proposed findings of fact and
16 conclusions of law for the Board to review as
17 well in addition to the evidence?

18 SOLICITOR HAPPEL: We'll take that.
19 Absolutely.

08:04PM 20 MR. FLEMING: Mr. and Mrs. Forbes,
21 could you come up here, because as the Board,
22 we might have some questions for.

23 Then we'll open it up for everybody
24 else. Okay? Any other questions from
25 anybody?

1 ARIEL FORBES: I guess I just wanted to
2 comment on the Traffic Impact Study just to
3 the extent that there was other information
4 that the Board wanted that's not in our
5 traffic report, I actually feel fairly
6 confident that the traffic report is going to
7 address anything that the Traffic Impact
8 Study under these circumstances would
9 address.

08:04PM 10 I know it's not called a Traffic Impact
11 Study, but in this situation, the impact that
12 our expert has looked at would be so
13 negligible, that it is --

14 SOLICITOR HAPPEL: I think what you'll
15 find here is we'll look to Mr. Shoop --

16 ARIEL FORBES: Sure, and that makes
17 sense.

18 SOLICITOR HAPPEL: -- for his
19 recommendation, and if we need additional
08:04PM 20 information, he can work with the traffic
21 study that prepared this letter.

22 ARIEL FORBES: Absolutely.

23 SOLICITOR HAPPEL: You've done that
24 before, Mr. Shoop, I assume?

25 MR. SHOOP: Yes.

1 SOLICITOR HAPPEL: Actually, one
2 question on the parking. What other entities
3 or organizations have you discussed parking
4 with?

5 ARIEL FORBES: This is part of our
6 developing business plan also to determine
7 what locations are going to make the most
8 sense and to the length of contracts that we
9 want to enter into with these particular
10 entities.

11 So we're looking at churches. We're
12 looking at schools. We would be interested
13 in Deer Lakes. Absolutely.

14 We want to do something that's going to
15 be beneficial to our parking partner, as well
16 as to our guests and to our business.

17 So we're looking at places potentially
18 on Route 8 and I guess down Bakerstown.

19 BRAD FORBES: Yes.

20 ARIEL FORBES: It's a difficult
21 proposition right now, because it's so --
22 it's a proposed use still. So to go to these
23 entities and say, "Hey, let's do a contract,
24 here are the numbers, here's what we need to
25 do," it's like Alice said, it's a little bit

08:05PM

08:05PM

1 the chicken and the egg.

2 SOLICITOR HAPPEL: I understand.

3 ARIEL FORBES: Yeah.

4 SOLICITOR HAPPEL: From the standpoint
5 of the Township, I think we want to see the
6 longest term possible on any contract,
7 because the idea here is if your contract
8 terminates in three years, where are you
9 going to park the people. You still have a
10 conditional use outstanding.

08:06PM

11 ARIEL FORBES: Sure.

12 SOLICITOR HAPPEL: So, you know,
13 whether or not you can make a contract in
14 perpetuity with the school district, I doubt
15 that very much.

16 Same thing with any other entity, but
17 to some extent, we don't want to see one-year
18 contracts, because then we're looking at a
19 contract every year trying to determine
20 whether or not it complies or actually
21 addresses with what the Township concerns are
22 with respect to parking and shuttle delivery
23 and shuttle drop off.

08:06PM

24 ARIEL FORBES: And that makes perfect
25 sense, and that would be very much in line

1 with what we would hope to do also. I think
2 the Township's interest in that regard are
3 the same as ours.

4 MR. FLEMING: You asked my question.

5 All 16.

6 Any other questions from the Board?

7 MR. VAEREWYCK: One brief one. If this
8 was turned down, would you, you know,
9 consider like making this a residential
10 development where it might end up being a
11 hundred houses on this property with all the
12 traffic associated with that?

13 ARIEL FORBES: I mean I don't think
14 that's something that we're interested in
15 doing.

16 Are you talking about if we sold the
17 property or --

18 MR. VAEREWYCK: If this doesn't go in,
19 what are the other options there? I mean,
20 are you going to put in a Sheetz Gas Station
21 there or a residential development with all
22 the traffic, the noise associated with that?

23 ARIEL FORBES: This is not an ultimatum
24 that it's either a Sheetz or --

25 MR. VAEREWYCK: Right. I was just

08:07PM

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1 pointing out that that seems like that would
2 be the other possibilities.

3 There are very few farms operating.
4 I'm in the farming and it's a hard go. So I
5 wouldn't expect this to become a farm again.

6 ARIEL FORBES: That's not a possibility
7 that we would consider at this point.

8 MR. VAEREWYCK: Okay.

9 MR. FLEMING: We're going to hear from
10 other people and see what --

11 MR. MATOR: I have two brief questions.
12 One stating the obvious, but it's just a
13 concern for everybody.

14 Alcohol will be served or permitted on
15 the property during the functions?

16 ARIEL FORBES: We would allow guests to
17 bring in, to have bartenders, right, licensed
18 bartenders?

19 BRAD FORBES: Guests would be able to
20 work with a caterer who might provide alcohol
21 to a wedding celebration, but those caterers
22 are required to have licenses and things by
23 the State.

24 MR. MATOR: And my other question
25 touches on what I discussed earlier. Since

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08:08PM

1 there might be a potential conflict here with
2 two principle uses, you would be willing to
3 subdivide if necessary?

4 ARIEL FORBES: That's also something we
5 have not talked about, but I think we would
6 be willing to if that ended up fulfilling
7 everybody's purposes.

8 BRAD FORBES: Sure.

9 MR. FLEMING: Everybody else all right?

10 Thank you. Very nice.

11 Now the mike is open. Anybody who
12 would like to speak, please come down, and
13 state your name, address.

14 If you came in later, you have to be
15 sworn in.

16 (The oath was given)

17 PASTOR CUMMINS: Pastor Stuart Cummins,
18 4339 Bakerstown-Culmerville Road,
19 Pennsylvania, 15044.

20 I wrote a letter. I didn't get it to
21 you guys, but I'll give you a copy so you can
22 read it, but I'm just going to read it
23 because I don't want to be here all night
24 anyway.

25 "I am Pastor Stuart Cummins. I have

08:08PM

08:09PM

1 been informed by the community that property
2 on Deer Creek Road was purchased. The new
3 owner is looking to make a wedding venue
4 reception business.

5 It has been brought to my attention
6 that the owner has made plans to partner with
7 local churches to park cars.

8 I would like to inform you that we as a
9 church have no desire to partner with this
08:10PM 10 owner and parking cars at our location.

11 As a church, we are taken advantage of
12 because we are Christians. People think that
13 church property is public property and they
14 can use it whenever they feel like it.

15 This is far from the truth. We are not
16 paved for heavy vehicles like large buses the
17 venue will be using to shuttle guests back
18 and forth to the venue site.

19 My family and I are currently living on
08:10PM 20 the church property. We do not want traffic/
21 strangers on the premises where our children
22 play.

23 Also, the venue schedules mostly
24 weekends and evening would conflict with our
25 service and activity times that the church

1 currently holds.

2 I also have another concern as well.

3 The intersection at Bakerstown-Culmerville
4 Road and Deer Creek Road and Bardford Road is
5 very busy now.

6 Think of the traffic coming through
7 that intersection if they do get the business
8 approved. It's bad enough 50 percent of the
9 traffic now runs through the stop signs.

08:11PM 10 What is going to happen if you increase the
11 traffic flow?

12 I also have another concern as well, or
13 the last point I'd like to make is that this
14 is not just affecting West Deer Bible Church.
15 It's not making our neighbors and community
16 happy.

17 The farmers around the property are
18 going to have to deal with all of this.
19 Animals are not going to like the noise, the
08:11PM 20 change, and I do not think we need to take
21 another farm away from our community so
22 someone can make money where people can come
23 and party."

24 Who do I give this to? Thank you.

25 (Members of the community began clapping.)

1 TOM OPEST: My name is Tom Opest,
2 O-P-E-S-T, 1002 Deer Creek Road.

3 I'm going to be addressing the Township
4 Codes. So I have some copies here that I
5 would like to give you gentlemen.

6 My wife and I live about a 150 yards
7 south of the Forbes farm on Deer Creek Road.
8 I'm representing a group of residents opposed
9 to this application tonight who also live
10 near the Forbes' property.

11 Some are able to be here this evening,
12 and with your permission, Mr. Chairman, I'd
13 like to have a show of hands for those
14 present whom I am representing with your
15 permission.

16 (A group of residents raised their hands.)

17 TOM OPEST: Thank you.

18 MS. MITINGER: Can I note for the
19 record, just -- I understand that there's a
20 show of hands, but there's no identification
21 of standing.

22 I recognize this gentleman does have
23 standing, but not the group he represents
24 necessarily.

25 SOLICITOR HAPPEL: I understand.

08:13PM

08:13PM

1 TOM OPEST: That is untrue. These
2 people know me. We have had meetings, and I
3 do represent their views. They know what I
4 am going to read to you.

5 We adamantly opposed the approval of
6 the application of Mr. and Mrs. Forbes for
7 the conditional use of their property and
8 specifically for the use of their barn as a
9 Place of Assembly.

08:14PM 10 The current Zoning Ordinance No. 394
11 states in Section 1910.1, Item A, All
12 buildings and structures erected and all uses
13 of land established after the adoption of
14 this Ordinance shall be provided with off-
15 street parking spaces as set forth in this
16 section.

17 Now, this Ordinance is three-years-old
18 approximately. This suggests that the Forbes
19 must have parking on the premises.

08:14PM 20 This would apply to the Forbes'
21 property and is re-enforced in Item B that
22 states, Where there is a change of use of any
23 property.

24 This will be a change of use.

25 The Forbes' application states that

1 they will have a maximum of ten parking
2 spaces. We contend that these spaces right
3 now probably wouldn't be accurate for or
4 adequate for service personnel, let alone
5 their guests.

6 The Forbes' proposed plan is to use a
7 shuttle system from an offsite parking lot at
8 a local business or church to transport
9 visitors to and from the barn. This would
08:15PM 10 create an inherent traffic and safety concern
11 to us.

12 There could still be some people who,
13 for various reasons, would drive to the barn
14 and find no parking. Thus, causing them to
15 park in neighbors' driveway or along the side
16 of Deer Creek Road.

17 Of greater concern to us, particularly
18 if alcohol is being served, are people
19 walking on the road to and from a shuttle
08:15PM 20 site.

21 There are no streetlights on Deer Creek
22 Road, no sidewalks, no guardrails, and a
23 large pond at the bottom of a steep
24 embankment along a dangerous curve.

25 We have concerns about intoxicated

1 strangers walking in close proximity to the
2 18 children living within one-fourth mile of
3 the barn.

4 All of these concerns will be
5 multiplied by the increase in traffic.

6 We have safety and security concerns
7 about people leaving the Forbes' property
8 because of attraction to the surrounding
9 farms.

08:16PM 10 Horses, cows, chickens, dogs, farming
11 equipment on adjoining properties surround
12 the Forbes' barn. Who would be liable if
13 someone is injured?

14 The barn is only 60 feet from Deer
15 Creek Road and the nearest neighbors.

16 The situation would create a new-found
17 insecurity in our own homes. I have lived at
18 this residence for 40 years. This would be
19 totally new to me.

08:16PM 20 Therefore, the conditional use should
21 not -- would not be an appropriate use for
22 this proposed site.

23 Section 2311 of the Zoning Ordinance
24 states, Conditional use shall be granted
25 approval predicated upon the submission of a

1 written application, demonstrating that the
2 development will not endanger the public
3 health, safety, morals, and general welfare
4 if located where proposed, and that the use
5 will not deteriorate the environment, and
6 will meet all performance standards of 21.4.

7 In addition to the aforementioned
8 safety concerns, the application that
9 they've -- we have seen does not meet the
10 developmental standards of 21.4 and 23.1.2.

11 We have concern that an informative
12 decision cannot be made with such vague
13 information.

14 Our Township Zoning Ordinance defines a
15 Place of Assembly as a structural or area of
16 land that's designed for the assembly of
17 collection of persons for civic, political,
18 religious, educational or social purposes,
19 and where recreation, amusement or dining may
20 occur as an accessory activity.

21 Now, please note dining and recreation
22 may occur as accessory activities.

23 The Forbes plan to make dining and
24 recreation their main activities. Not
25 accessory activities.

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1 Now, we're concerned about future
2 physical changes to the barn area. A parking
3 lot would create storm runoff that would
4 require a water retention system. This may
5 need to be located between the barn and Deer
6 Creek Road.

7 Now, after applying the PennDOT
8 right-of-way, there would be only 52 feet of
9 usable space between the road and the barn.

08:19PM 10 I meant to say 52 feet. I'm not sure
11 if I did.

12 Our main environmental concern is
13 noise, the traffic at the barn, vehicle
14 doors, loading and unloading of supplies and
15 equipment that would take place before and
16 after events.

17 The voices of 200 people amplified by
18 alcohol at times, music, and a public address
19 system would be unusual and disturbing to our
08:19PM 20 neighborhood.

21 The boards on the barn do not fit
22 tightly. Therefore, the barn cannot contain
23 noise effectively, particularly the deep base
24 sound of music.

25 On hot summer days, many people will

1 find the barn uncomfortable and may move
2 outside making noise even louder.

3 Loud noises and music will adversely
4 affect livestock, particularly horses.

5 We believe that these and other noises
6 will be invasive to us and will affect the
7 dynamics of a rural farming area.

8 We also believe that Ordinance 240,
9 Section 2 (b) of the Disorderly Conduct Code
10 will apply to these environmental concerns.

11 It states, Willfully making or causing
12 to be made any loud, boisterous, and unseemly
13 noise or disturbance to the annoyance of the
14 peaceable residents of the Township. Whereby
15 the public peace is broken or disturbed or
16 the public is annoyed.

17 Another concern is the lack of sewage
18 on Deer Creek Road. Where would caterers
19 dispose of wastewater? What if the restroom
20 trailer malfunctions?

21 In their application, the Forbes state
22 their intent to promote the overall
23 agricultural character of their property.

24 We believe their intent to is provide
25 food and party atmosphere for commercial

08:20PM

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1 gain.

2 Let us remember that this area of Deer
3 Creek Road was recently zoned rural estate,
4 the most rural area in the Township.

5 The Pennsylvania State Code of Use
6 currently designates the Forbes' property as
7 agriculture. Agricultural and farm.

8 Properties adjoining the Forbes'
9 property on the east, the west, and the north
10 are listed as agricultural properties also,
11 and they're currently being used as such.

12 Like other people opposed to the
13 approval of this venue, we moved to the Deer
14 Creek Road area because the location provides
15 a rural setting, trees, fields, streams,
16 ponds and allows the keeping of horses and
17 livestock.

18 We enjoy the natural sounds of nature,
19 the wildlife, the unique solitude, and the
20 privacy that now surrounds our homes. These
21 characteristics help to increase our property
22 values.

23 We have no streetlights. Most of us
24 don't have city water. And we have no
25 sewage. But we live there because we love to

08:21PM

08:22PM

1 be there.

2 These characteristics help to increase
3 our property values, and commercialization of
4 the Forbes' barn would significantly
5 compromise all of this.

6 Now, taking into consideration all of
7 the mentioned arguments, supported with the
8 statements from the existing West Deer Zoning
9 Ordinance 394 and 240, we would like to
08:22PM 10 request that the Board of Supervisors decline
11 to approve the Forbes' Application For
12 Conditional Use and Place of Assembly.

13 Does the Board have any questions of
14 us?

15 MR. FLEMING: No.

16 TOM OPEST: Thank you.

17 (Members of the community began clapping.)

18 SOLICITOR HAPPEL: I have one question.

19 Counsel, did you get a copy of these?

08:23PM 20 MS. MITINGER: I did not.

21 MR. FLEMING: Anybody else?

22 CHRIS GALBRAITH: My name is Chris
23 Galbraith, G-A-L-B-R-A-I-T-H. I live at
24 4 Shady Lane, which is directly across the
25 field from where they are proposing.

1 I was wondering if you need all of our
2 names tonight in this meeting? We were
3 trying to make this quick, to go through a
4 lot of quicker, but we can all come up here
5 and give you our names.

6 DR. DiSANTI: That's why I had asked if
7 they have a petition either for or against
8 either way.

9 I would suggest first that you maybe
10 circulate something and get it to our
11 Manager.

12 SOLICITOR HAPPEL: Has everybody --

13 MS. MITINGER: I would say -- I don't
14 object to everybody circulating a list of
15 names with addresses, as long as I have the
16 opportunity to know where those addresses are
17 and in connection with proximity to the
18 property. That's all.

19 SOLICITOR HAPPEL: Is that something
20 that be can prepared?

21 CHRIS GALBRAITH: I think we can do
22 that.

23 MS. MITINGER: That's fine.

24 CHRIS GALBRAITH: Thank you.

25 MR. FLEMING: Anybody else?

08:24PM

08:24PM

1 JIM CAMPBELL: Jim Campbell, 66 Glasgow
2 Road. My property is behind this proposed
3 venue, and I just want to second a concern
4 about living in a rural area. The peace.

5 It's not so much how late the events
6 will last, but the frequency, day after day
7 of having to cope with the noise.

8 That's the thing that concerns me.
9 It's kind of a valley, a creek valley that
10 runs down to our property.

11 So I just wanted to second the idea
12 that we did move here for the peace, for the
13 tranquility, and I'm just happy to live out
14 here. And that's my concern. Thank you.

15 (Members of the community began clapping.)

16 MR. VAEREWYCK: Are we looking at
17 having a vote this evening?

18 DR. DiSANTI: I would like to have
19 Mr. Payne, our zoning officer, possibly give
20 us some information, since he's quite
21 familiar with the project, is that correct,
22 Mr. Payne?

23 BILL PAYNE: Yes.

24 MR. MATOR: While everybody is present,
25 I think it would make sense to have the Chief

08:25PM

08:26PM

1 of Police speak on any safety issues he may
2 have or may not have.

3 BILL PAYNE: Bill Payne. P-A-Y-N-E. I
4 am the West Deer Code Enforcement Officer.

5 The zoning group -- me, Gary and
6 Denise -- do have a couple concerns; the main
7 one being the parking, build an agreement
8 must be made for onsite parking or offsite
9 parking.

08:27PM 10 If it's offsite, then the conditional
11 use should state that it is offsite. If
12 parking ceases, then so does the conditional
13 use until another offsite parking agreement
14 is established.

15 We'd also like to have little bit more
16 information on the planning for the sanitary
17 waste disposal, what the system is going to
18 be, if there's a backup plan for it.

19 The trailers usually don't fail, but if
08:27PM 20 a trailer can't get there, do you have any
21 other, you know, a couple vendors for it?

22 Is access to water sufficient for
23 operating the business? As the Forbes did
24 mention before, there was some access to
25 public water, but they would have to run a

1 line somewhere. We would have to know where
2 that line was.

3 If it goes through an adjacent
4 property, we would need his consent before
5 approval would be made, because everything
6 that says that he's going to do, it would
7 need to be sprinklers, automatic sprinklers
8 for it, and that's anything over one hundred
9 persons or more.

08:28PM 10 Also, all of the -- all of the building
11 plans would have to go through Professional
12 Code Service to make sure that the building
13 is up to spec.

14 A structural engineer would need to,
15 you know, sign off on it and give his stamp
16 to make sure that, you know, it would be able
17 to handle that load.

18 There may be, you know, additional
19 electrical service that needs to be updated
08:28PM 20 I'm sure.

21 You have to make sure all of the means
22 of egress, handicap accessibility, which the
23 architect already stated, but we need to make
24 sure that those plans are all sufficient
25 enough before we can go ahead and do the

1 final approval.

2 The noise, I would like to see a
3 noise -- a decimal rating be at the property
4 line if it does go through. We have one
5 similar for the generators on cell towers
6 that are just occasional uses. I think that
7 this being constant use, you know, weekly, it
8 should have a decimal rating to it.

9 Hours of operation, the 11:00 I feel is
10 a little bit late for giving the
11 circumstances of the surroundings, but that
12 would be up for discussion later.

13 The traffic study I believe is
14 imperative because you have to find a way to
15 determine the impact fee. So you would need
16 a full traffic study for that.

17 Is that correct, Mr. Shoop?

18 MR. SHOOP: You need to know the number
19 of peak hour trips to determine what the
20 traffic impact fee is.

21 BILL PAYNE: Okay. And then the public
22 safety is always a concern. I'd like the
23 Police Chief to go over a little bit more
24 with that, because he would be the one that
25 was dealing with it.

08:29PM

08:30PM

1 That's all the concerns that the Zoning
2 Department has.

3 MR. VAEREWYCK: Mr. Payne, I have a
4 question for you.

5 BILL PAYNE: Sure.

6 MR. VAEREWYCK: There's a venue similar
7 to this, it's down Millers Town, Culmerville
8 Road. They have the outdoor stage and have
9 had parties and all.

08:30PM 10 Have you received complaints from the
11 neighbors about that venue at all? Has that
12 been any problem?

13 BILL PAYNE: I'm not even sure where
14 that venue is Mr. Vaerewyck.

15 MR. VAEREWYCK: It's like a hundred
16 yards from my house on the right side. They
17 have the trucks there, the big outdoor stage,
18 and everything. You know which one I mean
19 there?

08:31PM 20 BILL PAYNE: I have not had any
21 complaints about it.

22 MR. VAEREWYCK: I just wondered because
23 that is sort of very similar. They actually
24 are not inside the building. That's an
25 outdoor stage there that they have parties

1 and things.

2 I have horses. My horses stand at the
3 corner of the pasture and watch the lights at
4 night and stuff, so.

5 MR. FLEMING: Thank you, Mr. Payne.

6 SOLICITOR HAPPEL: Counsel, did you
7 have something?

8 MS. MITINGER: I was just going to note
9 that some of the items that the zoning
08:31PM 10 officer mentioned are Building Code and
11 planned on conditional use items, but I
12 appreciate the concerns, and I appreciate
13 understanding what they are.

14 CHIEF OF POLICE LEAP: Okay. My name
15 is Jonathan Leap, L-E-A-P. I am the Chief of
16 Police of West Deer Township.

17 The responsibility of myself and my 16,
18 excuse me, 17 officers we have is to maintain
19 the safety for residents and also the people
08:32PM 20 that pass through our community and visit our
21 community, and we have some major concerns
22 with not only traffic. It's the parking,
23 which is the big issue.

24 We're very unsure of what we're going
25 to do here with parking. Everything is

1 uncertain. If we have a shuttle that holds
2 15 people and we're only going to put 11 on
3 there, we're not going to leave unless it's
4 full.

5 What if we have three or four people
6 that want to leave midway through the event?
7 I understand things can be changed, but here
8 you go, we have people walking that road, and
9 no one can stand here and tell me that you
08:33PM 10 won't have some strays that will leave there
11 and walk on that road.

12 That road is not well lit. There's no
13 berm for walking, and the traffic sometimes
14 travels that road at excessive speeds, and we
15 all know that, and we try to correct it, but
16 with the winding of the road, we can't do
17 that at times.

18 But the major concern is the people
19 leaving -- and I don't care if you have three
08:33PM 20 security guards outside -- and they say they
21 want to leave, how can you stop -- how can
22 you stop them? Because this is America. And
23 if you want to walk, you can walk.

24 But sometimes you're not in the correct
25 state to be doing that, and it creates more

1 of a hazardous and that creates a problem for
2 the people attending and also the residents
3 of the area which travel that road quite
4 frequently and often.

5 As far as the amount of people and the
6 noise, if it's hot, we mentioned before, what
7 if they go outside? It's going to happen.

8 I think the times are a little bit in
9 excess of what they should be. Noise is
08:34PM 10 going to be an issue, and we have a feeling
11 that we are going to be there on more than
12 one occasion very frequently.

13 I'm not against -- we are not against
14 businesses coming in to the community. This
15 is a very good business to have. A very good
16 one the Township could use, but that's not
17 the proper location because of some issues
18 regarding the safety, and it's my major
19 function as Chief here and my 17 officers,
08:34PM 20 that's their function as police officers, to
21 make sure everybody is safe, and we just feel
22 that that is going to create some problems.

23 MR. FLEMING: Any other questions for
24 the Chief?

25 (Members of the community began clapping.)

1 MR. FLEMING: Mr. Opest, are you still
2 here?

3 TOM OPEST: Yes, sir.

4 MR. FLEMING: You gave us some
5 pictures. Are those ours to keep? You gave
6 us some pictures. Are those ours to keep?

7 TOM OPEST: Yes.

8 SOLICITOR HAPPEL: Would you identify
9 these for the record? And then, counsel,
08:35PM 10 you'll got a copy of them. Just go back to
11 the mike and identify them and maybe just
12 hand them to me and mark them Exhibits. This
13 one is going to be --

14 TOM OPEST: All of the photos are of
15 Deer Creek Road. This particular one is Deer
16 Creek Road with the pond right over the edge.

17 SOLICITOR HAPPEL: We'll call that
18 Picture No. 1.

19 MS. MITINGER: I'll mark them as you
08:36PM 20 go.

21 TOM OPEST: Thank you. This is a
22 picture of Deer Creek Road, and the Forbes'
23 barn is shown because we want you to see
24 how -- the close proximity to the road.

25 SOLICITOR HAPPEL: Picture No. 2.

1 TOM OPEST: This is a picture of Deer
2 Creek Road looking north. The Forbes' barn
3 would be on the left.

4 SOLICITOR HAPPEL: Picture No. 3.

5 TOM OPEST: We recently had a reason --
6 there was an estate sale nearly across from
7 the barn at a residence last weekend. Cars
8 were parked everywhere on Deer Creek road.

9 All of these pictures that have cars
10 show what it would be like to have a parking
11 situation that's out of control. This is the
12 only time this has happened in 40 years.

13 MS. MITINGER: I'm going to object to
14 that. That's not relevant.

15 SOLICITOR HAPPEL: I was going to say
16 that doesn't address -- the objection is
17 noted. That doesn't address -- that doesn't
18 apply to the property that we're discussing.

19 TOM OPEST: I understand.

20 SOLICITOR HAPPEL: It's somewhere else.

21 TOM OPEST: It is Deer Creek Road, but
22 thank you.

23 SOLICITOR HAPPEL: Any others?

24 TOM OPEST: No.

25 SOLICITOR HAPPEL: Okay. All right.

08:36PM

08:37PM

1 MR. FLEMING: Very good.

2 SOLICITOR HAPPEL: Thank you.

3 Is this one?

4 MS. MITINGER: Do you want these? I
5 marked them on the back.

6 SOLICITOR HAPPEL: Anybody else would
7 like to speak? I don't believe we have
8 enough information tonight to make a
9 decision.

08:37PM 10 MS. MITINGER: What I was going to ask
11 the Board to do is if you could continue the
12 hearing so that we have an opportunity to
13 review the traffic engineer with the Township
14 engineer and to address some of the other
15 issues that are before the Board.

16 SOLICITOR HAPPEL: I think that's
17 appropriate in case. So can we pick a date
18 now or do you want to actually -- it will be
19 the continuance of the hearing.

08:38PM 20 MS. MITINGER: I understand that. We
21 wouldn't be closing the record this evening.
22 It's up to the Board. I don't understand
23 what's on your agenda for the next meeting.

24 MR. MATOR: Probably enough time.

25 SOLICITOR HAPPEL: Is that okay with

1 the Board to continue this to the next
2 meeting?

3 MR. FLEMING: Yes.

4 MS. MITINGER: Would it be appropriate
5 to have the hearing in advance of your
6 regular meeting or would you prefer to have
7 it after or -- it's entirely up to you.

8 SOLICITOR HAPPEL: I think what we'd be
9 hearing at that point in time is the
08:38PM 10 information provided regarding the parking
11 and regarding the traffic study.

12 MS. MITINGER: Sure.

13 SOLICITOR HAPPEL: As well as any other
14 information that I may contact you with
15 regarding the questions the Board has.

16 MS. MITINGER: Okay.

17 SOLICITOR HAPPEL: Is there are any
18 other public --

19 DR. DiSANTI: Mr. Solicitor, I'm only
08:38PM 20 concerned that the parties may leave this
21 meeting and come back with a contingency and
22 still we are not able to present the issues
23 that we need clarified.

24 Are they going to be aware of what we
25 need to know to either deny or approve this

1 project? I'm concerned that they may leave,
2 to come back next month, and we say we need
3 another contingency based on the fact that we
4 didn't have enough information.

5 So we need to address to them what
6 exactly we need to know.

7 MR. McMANUS: Mr. Chairman, would we be
8 better off six weeks, hold that extra
9 meeting?

08:39PM 10 MR. FLEMING: We can have an extra
11 meeting. We're here.

12 MR. McMANUS: Hold the hearing in six
13 weeks instead of the regular business
14 meeting?

15 MR. FLEMING: Well, the question is
16 back to you as far as what you think what we
17 need for the traffic control plan, how quick
18 can you get that stuff together?

19 MS. MITINGER: My guess is that our
08:39PM 20 traffic engineer is going to need to talk to
21 your municipal engineer, and that may
22 generate some additional questions and some
23 concerns.

24 DR. DiSANTI: I think it's an
25 additional concept. I don't mean to

1 interrupt, counselor, but I think there are
2 other issues other than the traffic study.

3 MR. FLEMING: Absolutely, Doc. I mean
4 there's a lot of issues that were talked
5 about tonight. I'm just starting with the
6 traffic.

7 MS. MITINGER: I think we have all been
8 taking notes about the concerns that have
9 been raised, and we would like to address
10 them in a manner that makes sense to the
11 Board, but it is the Board's time that's at
12 issue.

13 So I'm not going to suggest that you
14 hold a special meeting. If you would like us
15 to come back before the next public meeting,
16 and address it then, that's fine.

17 If -- and the purpose of announcing the
18 time for the next meeting is because
19 everybody is here, and then they would have
20 the opportunity to know when that is
21 continued.

22 So if the Solicitor has additional
23 questions, he can certainly contact me with
24 the additional questions in the time before
25 the hearing.

08:40PM

08:40PM

1 You know, it may be that we submit a
2 request and say we don't have enough time to
3 get all of the information you requested, but
4 I think it would be appropriate right now to
5 go forward in June.

6 MR. FLEMING: Okay. Everybody agreed
7 on June?

8 UNIDENTIFIED FEMALE: Excuse me, can I
9 speak one moment, please?

08:41PM 10 SOLICITOR HAPPEL: Hold on one second.

11 UNIDENTIFIED FEMALE: Before this is
12 decided, I would like to speak. Please.

13 SOLICITOR HAPPEL: So if we're going to
14 continue, it would be the 15th of June is the
15 next meeting date prior to -- is that
16 right -- or the 17th?

17 MR. FLEMING: 17th. Let's do the 17th.

18 SOLICITOR HAPPEL: The 17th.

19 MS. MITINGER: Starting again at 7 p.m.

08:41PM 20 MR. FLEMING: Let's go 6 or 6:30?

21 MR. VAEREWYCK: 6:00.

22 MR. FLEMING: 6:00. And, please,
23 Mr. Apple, (phonetic) will get you what we're
24 looking for, the Board will come up with
25 that, and we need to know, I mean if you have

1 ample time to do that, because we do want to
2 make a decision for these people.

3 MS. MITINGER: And I entirely
4 appreciate the Board's position, and we will
5 do our best to address whatever questions you
6 have raised. Thank you.

7 SOLICITOR HAPPEL: All right.

8 ERICA MINEHART: My name is Erica
9 Minehart. I live at 1006 Deer Creek Road.

10 SOLICITOR HAPPEL: Were you sworn in?

11 ERICA MINEHART: Yes, I was.

12 First, I would like to give you our
13 petition against this from everyone that's
14 attended that just agreed to sign that.

15 And also, I just want to object that
16 this be continued, because they should have
17 done their due diligence prior to this
18 meeting.

19 According to the Ordinance, it's laid
20 out pretty clearly what they needed to have
21 here, and they did not present it.

22 I find it ridiculous that they believe
23 that they could move forward without a
24 traffic study and try and use this traffic
25 expert just to say it isn't necessary.

08:42PM

08:42PM

1 If anyone has traveled on the road,
2 they could easily see just, not being an
3 expert, how unsafe the road is for something
4 like this.

5 So I just want to make it clear that I
6 at least object that this be continued
7 because it is their job to prove to you and
8 it should have been done today.

9 SOLICITOR HAPPEL: I understand your
10 statement. There was information provided to
11 the property owners about the information
12 that is going to be needed here, as well as
13 what may be needed down the road at the time
14 the development land was presented.

15 ERICA MINEHART: At the time of the
16 hearing, the one gentleman did say they
17 better have a contract, and they do not, and
18 whether they're scrambling to get one or not,
19 it is clear that they do not have one at this
20 time. So, therefore, they should not -- it
21 shouldn't be even considered is my opinion.

22 SOLICITOR HAPPEL: I understand. We'll
23 present the -- up here whether or not the
24 Board wants to continue it or not.

25 ERICA MINEHART: I just want to make it

08:43PM

08:44PM

1 clear that the neighbors that are opposed to
2 this are -- there's a lot of anxiety involved
3 until a decision is made here, and it is
4 causing -- you know, I'm sure it doesn't
5 matter, but it's causing us a lot of concern,
6 and having to continue to come here and
7 listen to this is very disturbing to us.

8 SOLICITOR HAPPEL: I understand that.

9 And in response, like I said, these are
10 property owners who own property in West
11 Deer. They have a right under the Ordinance
12 to apply for a conditional use?

13 ERICA MINEHART: I understand.

14 SOLICITOR HAPPEL: -- under the
15 statute. It is a conditional use in a rural
16 area.

17 So we have to address this in
18 accordance with what the law requires. Right
19 now, just terminating this at this point in
20 time I don't think would be in accordance
21 with what's required by this Board.

22 ERICA MINEHART: Okay.

23 SOLICITOR HAPPEL: That's all I'm
24 saying. We have an obligation both statutory
25 to not only to the residents who make the

08:44PM

08:44PM

1 application, but also to the residents who
2 are in opposition. All right?

3 There's an obligation here, but they
4 also have to have the information I think
5 necessary to make an informed decision,
6 because it has to be recorded, and at that
7 point in time, there's a process of appeal.

8 ERICA MINEHART: I understand that.
9 I'm very well-aware of that. I would like
10 to --

11 SOLICITOR HAPPEL: My recommendation to
12 this Board is to continue this so that the
13 information is presented, so that they can do
14 their job and in accordance with the statute
15 and the law. That's all.

16 ERICA MINEHART: I would also like to
17 note that I would like the materials that
18 they submit, because as a resident, I am
19 curious to see.

20 SOLICITOR HAPPEL: Everything will be
21 on record up here. So there is a public
22 record. We will just figure out a way to do
23 that.

24 I know we have pictures. We have the
25 binder. We have some pictures, and we have

1 some copies of statutes. I think that's all
2 been presented to the Board for review.
3 Those will be made available to the public
4 for review.

5 ERICA MINEHART: Okay. And are we to
6 make -- can we dare make the assumption that
7 this will be decided at the next meeting or
8 are we under agreement if they do not have
9 this material, this is a mute point?

08:46PM 10 SOLICITOR HAPPEL: The Board can't make
11 an agreement like that.

12 ERICA MINEHART: I understand, but I'm
13 just saying, we can't let this go on all
14 summer is the way I feel about it.

15 SOLICITOR HAPPEL: I understand.

16 ERICA MINEHART: Thank you very much
17 for your time.

18 (Members of the community began clapping.)

19 MR. FLEMING: Can I get a motion to
08:46PM 20 adjourn the June 17th -- a motion to continue
21 the hearing to June 17th?

22 MR. VAEREWYCK: I make a motion to
23 continue the hearing to June 17th.

24 MR. FLEMING: At 6 p.m.

25 MR. VAEREWYCK: 6 p.m.

1 MR. McMANUS: Second.

2 MR. FLEMING: I have a motion by

3 Mr. Vaerewyck, second by Mr. McManus.

4 Mr. Guerre?

5 MR. GUERRE: Yes.

6 MR. FLEMING: Mr. Vaerewyck?

7 MR. VAEREWYCK: Yes.

8 MR. FLEMING: Dr. DiSanti?

9 DR. DiSANTI: Yes.

08:46PM 10 MR. FLEMING: Mr. McManus?

11 MR. McMANUS: Yes.

12 MR. FLEMING: Mr. Adamik?

13 MR. ADAMIK: Yes.

14 MR. FLEMING: Myself is yes.

15 SOLICITOR HAPPEL: Okay. The hearing
16 is continued.

17 MR. FLEMING: We're going to take a
18 five-minute break and come back for our
19 Township meeting.

08:47PM 20 DR. DiSANTIS: I make a motion to
21 adjourn the public hearing.

22 MR. McMANUS: I'll second.

23 MR. FLEMING: It's continued.

24 SOLICITOR HAPPEL: It's continued.

25 (Whereupon, the proceedings were adjourned.)

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF ALLEGHENY)

CERTIFICATE OF REPORTER

I, Veronica R. Trettel, a Registered Professional Reporter, do hereby certify that the evidence and proceedings are contained fully and accurately in the machine shorthand notes taken by me at the hearing of the within cause, and that the same were transcribed under my supervision and direction, and that this is a correct transcript of the same.

Veronica R. Trettel, RPR
Official Court Reporter

OPEN REGULAR MEETING:

Chairman Fleming opened and welcomed everyone to the meeting.
PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE – A Moment of Silence was held for a past Supervisor and Chairman of the Board, Peter Catanese.

Chairman Fleming announced the Board held an Executive Session to discuss personnel issues and tax issues and the Board also held a public hearing at 7:00 p.m.

Roll Call taken by Mr. Mator -- Quorum present.

REGISTERED COMMENTS FROM THE PUBLIC:

Mr. A. J. Schwartz, EPD, was present and presented the final plans in terms of the two part Master Park Plan for Bairdford Park and the Nike Site to be submitted to DCNR for final disbursements and to move ahead on the next phase of the project.

STATEMENT MADE BY VICE CHAIRMAN DISANTI IN REGARD TO THE STATE ETHICS COMMISSION

Vice Chairman DiSanti addressed the Chairman, fellow supervisors, and the residents and employees of West Deer Township.

I would like to go on public record tonight that I had received a letter dated May 7, 2015 from the PA State Ethics Commission – address 309 Finance Building, P.O. Box 11470, Harrisburg, PA 17108 – in reference to File No. 15-005. The letter was addressed to myself.

(Dr. DiSanti reading from letter)

Dear Mr. DiSanti, the State Ethics Commission has received allegations that you violated Section 1103 (Section A) of the Public Official & Employee Ethics (Act 93 of 1998) when in your capacity as a Supervisor for West Deer Township, Allegheny County, Pennsylvania you utilized the authority of your office to obtain confidential information regarding a lawsuit between West Deer Township and Rock Airport, Inc., allowing you to realize a private pecuniary benefit as you maintained a separate private lawsuit between yourself and Rock Airport, Inc.

After a preliminary inquiry of this allegation, “we find no basis to commence a full investigation because there is insufficient evidence to support a finding of probable cause that the State Ethics Act has been violated.”

The letter is signed by Robert P. Caruso, Executive Director, PA State Ethics Commission.

I would like to comment that in my capacity as an elected official of West Deer Township, I have and will continue to work to a common goal and good for the residents of West Deer Township. I have never received any monetary (pecuniary) benefit or other benefits from either Rock Airport, Inc., or my lawsuit with Rock Airport, Inc.

My attorney and friend Larry Lutz throughout my almost twelve years of dealing with airport issues as an elected official had advised me that it is my responsibility to comment, review, and discuss issues that pertain to the residents of West Deer and the airport; however, to refrain from voting on the airport issues

once my lawsuit was filed. If at any time the West Deer Township Solicitor felt that I should not be involved with any Rock Airport, Inc., business matters or discussion, I was asked to leave executive session.

I would like to thank the friends, family (my wife of 38 years, my five children) for their support throughout this needless investigation. I also would like to thank all those who assisted the Ethics Commission through the tedious process of providing interviews, records, and other requested information to the State Ethics Commission, all of this at the expense of West Deer Township tax dollars.

In conclusion, it is my intent to continue my pledge to represent the residents of West Deer Township to the best of my ability, to support the talented and dedicated employees of West Deer Township, and to strive to continue to make West Deer a beautiful place to work, live, practice your faith and – most importantly – a safe place to raise your family. I thank this Board and you, Mr. Chairman, for the opportunity to clear my name.

Upon Dr. DiSanti finishing his statement, Supervisor Vaerewyck questioned the letter and made a new accusation that Dr. DiSanti was “being cited for failure to make financial disclosures.” Vice Chairman DiSanti corrected Mr. Vaerewyck, indicating that he was not being cited and that his financial statements were filed, in the course of their investigation the Ethics Commission requested corrections be made, and that the corrections had already been made and successfully submitted to the Commission.

COMMENTS FROM THE PUBLIC:

Chairman Fleming asked if there were any comments at this time on the agenda and public-related items and if so, asked the public to please approach the microphone, clearly state their name and address, and limit their comments to five (5) minutes.

None.

ACCEPT MINUTES:

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor McManus to accept the minutes of the April 15, 2015 meeting as presented. A roll call vote was taken. Members voting yes, Mr. Vaerewyck, Mr. Adamik, Dr. DiSanti, Mr. McManus, and Mr. Fleming. Member abstaining, Mr. Guerre/was not present at the April 15th meeting. Motion carried, 5 – yes and 1 abstention.

MONTHLY FINANCIAL REPORT: Mrs. Nardis read the following Finance Officer’s Report.

TOWNSHIP OF WEST DEER
FINANCE OFFICER'S REPORT
April 30, 2015

I - GENERAL FUND:

Cash and Cash Equivalents:

Sweep Account	\$	460,967	
			\$ 460,967

II - SPECIAL REVENUE FUNDS

Cash and Cash Equivalents:

Street Light Fund:

Sweep Account - Restricted	\$	23,367	
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Fire Tax Fund:

Sweep Account - Restricted	\$	47,885	
----------------------------	----	--------	--

State/Liquid Fuels Fund:			
Sweep Account - Restricted	\$	241,053	
			<u>\$ 312,305</u>
Investments:			
Operating Reserve Fund:			
Sweep Account - Reserved	\$	399,848	
Capital Reserve Fund:			
Sweep Account - Reserved	\$	496,689	
			<u>\$ 896,537</u>
III - CAPITAL PROJECT FUNDS:			
Cash and Cash Equivalents:			
Route 910 II Waterline:			
Sweep Account - Restricted	\$	91,832	
			<u>\$ 91,832</u>
TOTAL CASH BALANCE 4/30/15			<u><u>\$ 1,761,642</u></u>

Interest Earned April 2015	\$ 18		
		April	
	3/31/2015	Principal	4/30/2015
	<u>Debt Balance</u>	<u>Payment</u>	<u>Debt Balance</u>
Mars National- VFC #3	\$ 19,054.79	\$ 1,799	\$ 3,014.08

Restricted - Money which is restricted by legal or contractual requirements.
 Reserved - Money which is earmarked for a specific future use.

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Guerre to approve the Finance Officer's Report as submitted. Motion carried unanimously 6-0.

LIST OF BILLS:

A. Liberoni, Inc.	521297.82
Best Wholesale Tire Co., Inc.....	846.56
Beth's Barricades	315.00
Culverts, Inc.	5060.00
Dell Marketing LP.....	2942.41
Griffith, McCague & Wallace, PC	1380.00
Hampton Concrete Products, Inc.....	458.00
Hei-Way, LLC.....	6583.08
Jordan Tax Service, Inc.	9681.97
Kress Tire.....	86.00
Krigger & Co.....	9.88
Markl Supply.....	753.50
Neville Terminal Services LLC	8496.31
Office Depot.....	617.54
Orbis.....	5040.00
Shoup Engineering Inc.	1374.00

Staley Communications.....	183.47
The HDH Group, Inc.....	11855.00
Toshiba Financial Services.....	606.17
Trib Total Media	524.32
Tristani Brothers, Inc.....	2686.52
Walsh Equipment	108.46
Wine Concrete Products, Inc.....	3646.80

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor McManus to pay the List of Bills as submitted, and all approved reimbursable items in compliance with generally accepted accounting practices. Motion carried unanimously 6-0.

UTILITIES & PAYROLL:

MOTION BY Supervisor Guerre and SECONDED BY Supervisor DiSanti to pay utilities and payroll from May 21, 2015 to June 17, 2015. Motion carried unanimously 6-0.

POLICE CHIEF'S REPORT:

Chief Lape was present and provided a summary report on the Police Department for the month of April 2015. Questions/comments followed. Copy of the report is on file at the Township.

BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER'S REPORT:

Mr. Bill Payne was present and provided a summary report on Code Enforcement for the month of April 2015. Questions/comments followed. Copy of the report is on file at the Township.

PARKS & RECREATION BOARD REPORT:

Mrs. Beverly Jordan, Chairwoman, was present and reported on the Parks & Recreation Board:

- Meeting last month
- Fishing Day at Deer Lakes Park/May 17th
- Senior Luncheon/June 1st
- 80's in the Park/June 26th
- Community Days meeting
- Manager of Special Projects and Director of Allegheny County Parks attended their last meeting and discussed County improvements/functions planned at Deer Lakes Park.

ENGINEER'S REPORT:

The Board received the Engineer's Report submitted by Shoup Engineering, Inc. Mr. Scott Shoup represented Shoup Engineering, Inc., and summarized his meeting attendance and details of his formal report:

- 2015 Road Improvement and Road Maintenance Projects
- Clendenning Road Culvert Replacement
- Development/Subdivision Reviews:
 - 1) Forbes Event Barn – April 22, 2015
 - 2) Bayne – Eiler Plan – April 6, 2015
 - 3) Eiler Fitness Center – April 6, 2015

PUBLIC WORKS BUILDING/ BIDS:

Mr. Adamik reported nothing to report at this time and indicated he is working on scheduling a meeting.

BIDS RECEIVED/ SALE OF POLICE VEHICLE:

Sealed bids were received and opened on May 14, 2015 at 2:00 p.m. for the sale of the 2007 Ford Crown Victoria Police Interceptor.

The following three (3) bids were received:

BIDDERS:	AMOUNT:
1) Chicago Motors, Inc.	\$1,007.00
2) James Sokol	\$ 928.00
3) Grace Quality Used Cars, Inc.	\$ 344.00

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Guerre to authorize the sale of the 2007 Ford Crown Victoria Police Interceptor to Chicago Motors, Inc., in the amount of \$1,007.00. Motion carried unanimously 6-0.

RESOLUTION #2015-5/ CLOSEOUT DCNR GRANT:

A RESOLUTION CLOSING OUT COMMUNITY CONSERVATION PARTNERSHIPS GRANT PROJECT (BRC-TAG-17-27).

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Vaerewyck to adopt Resolution No. 2015-5 closing out the Community Conservation Partnerships Grant Project (BRC—TAG-17-27). Motion carried unanimously 6-0.

APPOINTMENT/ PARKS & RECREATION BOARD:

Due to the resignation from Sandra Hazlett from the Parks & Recreation Board, the Township advertised to fill the vacancy. The Board received a letter of interest from Amy Stark.

MOTION BY Supervisor McManus and SECONDED BY Supervisor DiSanti to appoint Amy Stark as a member of the Parks & Recreation Board to fill the unexpired term of Sandra Hazlett for her term which will expire on December 31, 2015. Motion carried unanimously 6-0.

APPOINTMENT/ ZONING HEARING BOARD:

Due to the resignation from Felix Dialoiso from the Zoning Hearing Board, the Township also advertised to fill the vacancy. The Board received the following Letters of Interest from:

- 1) Daniel Livingston (Currently an Alternate)
- 2) James G. Smullin
- 3) Scott A. Woloszyk

MOTION BY Supervisor McManus and SECONDED BY Supervisor Vaerewyck to appoint the current alternate Daniel Livingston to fill the unexpired term of Felix Dialoiso for his term which will expire on December 31, 2017. Motion carried unanimously 6-0.

- Thank you letter will be mailed to Mr. Dialoiso.
- Discussed appointing an alternate for Zoning Hearing Board.
- Check with J. Smullin & S. Woloszyk if interested in serving as an alternate.

FIVE-YEAR RUSSELLTON PLAN:

Mr. Vaerewyck, the Economic Development representative, passed out the attached document, which summarized what he would like as a five-year economic development plan for Russellton. Supervisor Vaerewyck stated he and Supervisor McManus met with representatives from the County Department of Economic Development and held a Town Hall meeting for ideas. Discussion was held.

FIVE-YEAR ECONOMIC DEVELOPMENT PLAN FOR RUSSELLTON ATTACHED.

5 year economic development plan for Russellton, PA

Submitted by Gerry Vaerewyck- Economic Development Representative

This is a skeleton of a plan to address some of the major points and start a discussion of details. It is meant to be fluid and will be supplemented and details filled in as opportunity arises.

Russellton has a long history as a coal mining town. Historical photos and interviews show that during the peak for the mines in the 50's, Russellton was a very active town with numerous businesses including bowling alleys and movie theaters. Public transportation was available through trolley service. Since the closure of the mines there has been a steady decrease in businesses in Russellton, loss of public transportation and an outflux of young people resulting in Russellton (according to the census) being one of the oldest age communities in the nation.

Challenges:

- Flood plain
- Older shrinking community
- Highway access

Assets:

- Deer Lakes Park
- Historical character
- Pass through traffic
- Low housing costs

Proposal: The most likely way to obtain an economic revival is promote the proximity to Deer Lakes Park. The county is currently making extensive repairs and updates in the park. This is a prime opportunity to advertise the park and amenities that West Deer can offer. Main obstacles to growth identified are: Town is not visually appealing, a person visiting a business cannot easily stroll to other businesses, access to the town from surrounding areas is difficult. So people don't come to Russellton to eat and then look around like in Saxonburg and other small business districts. A good plan will also help identify partners and funding options. The plan is divided into 3 target areas: 1- infrastructure, 2- Private structures, 3- Communications. Once a plan is put in place, it can be implemented as funds and resources become available.

Likely funding sources are identified after each item. A likely source does not mean there has been any commitment or discussion with the agency.

Infrastructure:

- Sidewalks from the senior high rise to Shop and Save and center of Russellton to Deer Lakes Park entrance. (WD, grants)
- Replacement and increase in size of pipe from railroad bed to creek under carwash to reduce flooding. (WD)
- Replacement of County bridge #3 or reasonably aesthetic repairs. (county)
- Replacement and realignment of railroad tunnel. (state)
- Connecting trails from Rachel Carson trail to entrance to Deer Lakes Park (county)
- Streetlights- low intensity solar/LED- No charge to residents.
- Return of bus service- teen workers to mall and other sites (PAT)

Private Structures:

- Repaint buildings (private and tax/grants/matching)
- Repair fences and parking lots (private and tax/grants/matching)
- Repurpose vacant building (private and tax/grants/matching)
- Redevelopment of Catanese junkyard and bony pile next to Shop and Save.

Communications:

- Signs entering russelton- on railroad bridges (WD and community)
- Signs to Russellton businesses from major intersections in WD. (WD)
- Advertisement of businesses on WD web site (West Deer wide) (WD)
- Hosting business chamber (WD)
- Social media

Possible attractions:

- West Deer history museum- mining history, railroads, etc
- Hostel- midpoint of Rachel Carson trail
- Activities for teens
- Banquet hall in Deer Lakes park
- Amphitheatre

COMMITTEE REPORTS:

The Committee Chairperson reported on their Committee updates:

- 1) Mr. Adamik – Engineering & Public Works Committee
- 2) Dr. DiSanti – Financial Legal, and Human Resources Committee
- 3) Mr. Vaerewyck – Public Safety Committee

The Representatives reported updates:

- 1) Mr. Vaerewyck – Economic Development Representative
- 2) Mr. Florentine – Housing Representative
- 3) Mr. McManus – Parks & Recreation Representative

ANNOUNCEMENT/MEMORIAL DAY SERVICES:

**Memorial Day Services
West Deer and Indiana Townships
Monday, May 25, 2015**

8:30 a.m.....Bairdford Memorial
 9:00 a.m.....West Deer Township Memorial
 9:30 a.m.....Rural Ridge Volunteer Fire Dept.
 11:00 a.m.....Indiana Township Memorial
 12:00 p.m.....Lakewood Memorial Gardens
 12:30 p.m.....West Deer William Fish
 American Legion Post 593

During the 12:30 p.m. service at the West Deer – William Fish American Legion Post 593, members will be presenting two Karen Bizyak Scholarships in the amount of \$500 each. Also a \$250 Jimmy Switalski Military Award will be presented to a person entering a branch of the Armed Forces. There will be a luncheon served after the ceremony at the Legion Post. All are invited to attend.

OLD BUSINESS:

- Mr. Mator asked Mr. Vaerewyck to keep him updated on any economic development issues, as many of the items Supervisor Vaerewyck addressed in his proposed five-year Russellton plan were already being addressed by Mr. Mator and state/county officials.

STATEMENT MADE BY CHAIRMAN FLEMING IN REGARD TO THE STATE ETHICS COMMISSION:

In August of 2014, I was informed that I was being investigated for Ethics Violations filed by Supervisor Gerry Vaerewyck for repairs to our Senior Center porch by my company, Fleming-Walker, Inc.

The Senior Center porch was a budgeted project that went out to public bid. On the recommendation of Supervisors Vaerewyck and McManus, who said they would supervise the project, the Board awarded the job to a Boy Scout to fulfill his Eagle Project. The two supervisors were to oversee the Boy Scouts performing the project.

Unfortunately, the final job was not adequately supervised, was deemed unsafe, and I offered the Board to have my company repair the imperfections in an effort to protect the unsupervised Scout's reputation. I fully intended to make no profit from this job, and clearly stated that I just wanted reimbursed for my actual costs of the material and what I pay my employee. I stated that the job "should cost less than \$500" and the Board agreed. Mr. Vaerewyck himself has stated that it was the Board who authorized Fleming-Walker, Inc. to perform the work on the porch.

After my employee went to the site and started the work, we found the interior of the porch to be completely worse than we thought, with there being numerous safety hazards for our seniors. My employee estimated the new total for the work at \$615, which was \$115 more than I originally estimated.

When this new estimate came in, I was contacted by my employee. Because it was higher than originally estimated, I pulled my employee from the job and notified the Township Manager that I would take it back to the Board at the next meeting.

To this date, no invoice was ever submitted to the Township by Fleming-Walker, Inc., and no payment was ever made by the Township (even for materials my company purchased and used at the project which totaled over \$300). Mr. Vaerewyck knew this because the Board of Supervisors has to approve all such bills.

I was disgusted after Mr. Vaerewyck filed his complaint. How someone could knowingly authorize an action, and then accuse the person assigned to follow through with said action of an Ethics violation is dishonorable and ridiculous.

When Mr. Vaerewyck stated to the local newspaper he was filing ethics violations against me, he never told them that his own company Vere, Inc. was reimbursed for materials purchased for the same porch project in the amount of \$1,047.75 on July 25th. How he can accept a check for over \$1,000 to cover expenses – yet accuse myself of an ethics violation over a \$615 break-even job – is deceitful and simply a political maneuver.

At the Township's September 17th regular business meeting, the Board voted to award the remainder of the work Fleming-Walker started to lowest bidder DKY Construction for \$2,420. The vote was 6-1 with Mr. Vaerewyck abstaining. To prove the point that Fleming-Walker, Inc. was trying to help the community and scout: \$615 Fleming-Walker v. \$2,420 low-bidder DKY Construction.

Additionally, there was a sealed public bid process to renovate a portion of the Township building. That sealed bid was opened publicly, verified by our engineer and solicitor, and awarded to low bidder Fleming-Walker for \$47,000. The next lowest bidder was Swede Construction at \$79,000. Though the solicitor verified the process was completed correctly and in full compliance with all applicable laws, Mr. Vaerewyck insisted that the Board go with the second lowest bidder. That would have cost the Township residents \$32,000. The final vote was: 5-1 with myself abstaining, but Mr. Vaerewyck later made statements to the local paper that Fleming-Walker would use my position as supervisor to recoup additional funds. Let me remind everyone, we have a Board of Supervisors, not just one.

Mr. Vaerewyck has taken numerous actions in the past proving his political gamesmanship as shown in his race for State Representative in the 33rd District in 2010 and 2012. These are just the most recent, and are the reason behind his filing a complaint against me.

Mr. Vaerewyck's filing of the complaint was a frivolous and malicious act towards me and my company. Section 1110(a)(1) of the Ethics Act states: "A person who signs a complaint alleging a violation of this chapter against another is subject to liability for wrongful use of this chapter if the complaint was frivolous, as defined by this chapter, or without probable cause and made primarily for a purpose other than that of reporting a violation of this chapter."

"Frivolous" is defined by the Act as: "A complaint filed in a grossly negligent manner without basis in law or fact." Mr. Vaerewyck's complaint was grossly negligent. Mr. Vaerewyck has repeated variations of this negligence at public meetings (as shown in the adopted minutes and heard in recordings) and in emails.

On May 7, 2015 I received a letter from the State Ethics Commission, stating that "After a preliminary inquiry of this allegation, we find no basis to commence a full investigation because there is insufficient evidence to support a finding of probable cause that the State Ethics Act has been violated."

Therefore, it is my understanding that Mr. Vaerewyck has entitled myself and my company to certain provisions under The Pennsylvania State Ethics Commission, Chapter 11 Ethics Standards And Financial Disclosure, Section 1110, Wrongful use of chapter, subsection (d) Damages.

Putting that aside, township residents elect supervisors to set policies that improve their community. Township supervisors reflect the values of the people they serve. By design, the structure of township government is flexible. It allows board of supervisors to determine what services best meet the needs of their constituents.

Years ago, township supervisors were mainly in charge of maintaining roads and bridges. Today, their role has expanded to include public safety, land use, and environmental protection, among many other responsibilities. And as state and federal mandates increase, these public servants assume an ever greater role in meeting these demands while providing needed services and facilities for their residents.

Again, the township seven member BOARD of supervisors is to set the policies that help their community and work for their constituents. It is not an arena to advance one's personal agenda or separate themselves from the board with their own town hall meetings and backdoor politicking. Our Township has one of the lowest tax rates in all of Allegheny County, our roads are being paved, our parks are being improved, and we have a great police, public works, and administrative staff. So why would someone attack that?

Here-say statements on Election Day:

*Supervisors looking to build \$6mil Township Building
Looking to raise taxes (Doc DiSanti)*

Thank you for your time!

When the essential elements of an action brought pursuant to this section have been established, the plaintiff is entitled to recover for the following:

- (1) The harm to his reputation by a defamatory matter alleged as the basis of the proceeding.*
- (2) The expenses, including any reasonable attorney fees, that he has reasonably incurred in proceedings before the commission.*
- (3) Any specific pecuniary loss that has resulted from the proceedings.*
- (4) Any emotional distress that has been caused by the proceedings.*
- (5) Any punitive damages according to law in appropriate cases.*

Chairman Fleming ended by telling Mr. Vaerewyck that he also received notice regarding his Statement of Financial Interests, and has already satisfactorily addressed the issue.

NEW BUSINESS:

- Public Works Grader
 - Supervisor Adamik discussed the grader. The Public Works recommended selling the grader. The grader will be added to the next meeting agenda.
- Pool Issue
 - Supervisor Adamik received a letter from Jeffrey Blacksmith in regard to the length of time it took him to obtain his pool permit.
- Sunset Drive (Private Road)
 - Mr. Mator reported that the Township recently received a letter from a resident requesting the Township take over Sunset Drive near the Deer Park Plan. He stated that he and Mr. Shoup would look into the matter and report their findings to the Board.
- State Ethics Commission Statements of Financial Interest

- Mr. Mator commented on the Statement of Financial Interest violation that Mr. Vaerewcyk accused Dr. DiSanti of, and that Chairman Fleming mentioned. Mr. Mator stated that most of the supervisors and employees received letters from the Ethics Commission. This letter gave them a grace period to make corrections to their submitted forms or to submit forms which were not filed in the year required. He mentioned that the letters from the Commission seemed threatening, but that most of the infractions were minor – such as not checking a ‘None’ box – and should not be viewed as “wrongdoing” or criminal behavior. Mr. Mator also reassured everyone that the procedure to comply is simple: 1) Individuals will need to complete the new form(s) sent by the Commission and bring it to the Township Building, 2) the Township will stamp the original with the date received, and 3) A copy will be placed into the file at the Township Building and the original mailed to the Ethics Commission.

SET AGENDA – Regular Business Meeting

June 17, 2015

6:00 p.m. – Public Hearing - Continuation

6:30 p.m. – Executive Session

7:30 p.m. – Regular Business Meeting

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Executive Session Held
5. Registered Comments from the Public
6. Comments from the Public
7. Accept Minutes
8. Monthly Financial Report
 - A. Finance Officer’s Report
 - B. List of Bills
 - C. Utilities & Payroll
 - D. Tax Refunds
9. Police Chief’s Report
10. Building Inspector/Code Enforcement Officer’s Report
11. Report from the Parks & Recreation Board
12. Engineer’s Report
13. Developer’s Agreement/Shoff Farm Plan
14. Public Works Grader
15. Sunset Drive
16. Old Business
17. New Business
18. Set Agenda/July 15, 2015
19. Comments from the Public
20. Adjournment

Items Added:

- EMS Parking Lot
- ZHB Alternate
- Public Works Garage
- Mack Truck
- 2016 Candidate Roads

