

The North Strabane Township Zoning Hearing Board met in regular session on Wednesday, April 6, 2011 at 7:00 P.M. at the Municipal Building, located at 1929 Route 519, Canonsburg, PA 15317.

Attending this session

W. Patric Boyer, Chairperson
Robert Shader, Vice Chairperson
Steve Bilko, Secretary
Peter Elish, Member
Richard Murphy, Member

Also attending this session

Candie Yerkey, Court Reporter
Margaret Householder, Stenographer

APPROVAL OF
MINUTES OF
MARCH 2, 2011
DEFERRED

Approval of the minutes of March 2, 2011 was deferred until later in the meeting.

The following is a brief synopsis of the testimony and not a verbatim transcript.

Boyer

At this time, Pat Boyer marked as Exhibit A the Dooley Street Plan Concept 2. The proposed change, from Wind Ridge Engineering Company, dated October 2010 is marked as Exhibit B.

We were waiting on some testimony from Mr. Slagle's office the last time we met. Do we have someone present this evening from his office?

Dan Slagle

Yes, I'm Dan Slagle, along with one of my engineers, Randy Cleavenger.

Boyer
ADMINISTER
OATH

At this time the oath is offered to all those who wish to give testimony this evening.

Boyer

The problem we're having is the positioning of the sewer line, and how you arrived at the final position of the sewer line. How did that come about?

Slagle

In my company, I'm the project manager and principal engineer, and I had Randy Cleavenger, who is my on-site engineer, there, so he's going to have a little bit more first-hand information than I will, but I can give a general overview.

- Boyer Sure.
- Slagle We originally designed the Linden Creek sewer project back in 2006, and we had the line running down Williams Avenue, a paper street in the Reedville plan.
- Boyer Is that shown on Exhibit B?
- Slagle Yes, a truncated plan, but Williams Avenue went all the way through what is now the Galati property.
- Boyer On Exhibit A, does it show Williams Avenue? Cutting through both lots?
- Slagle Yes, and yes. It's faint, but it's in both drawings.
- Boyer That was the intended location?
- Slagle Yes, to run it down the paper street, and I'm not sure of the date, but Matt Marasco, the Manager of the Authority, and myself attended a meeting at which Mr. Galati and the Jacobs were all present, and they petitioned the Township for the vacation of Williams Avenue. During the proceedings, the Authority did not oppose the vacation, with the promise that we would get an alternative right of way down below that we could put our sewer line in, because it really didn't matter to the design whether it was at the top or the bottom. We then needed a right of way for the sewer line. That was a condition of the vacation, is that both parties would grant a right of way. We re-designed that section down to the bottom of both of the properties. Randy was involved in that, as well as securing the rights of way. A meandering stream impacted the placement of the line. During the course of construction, when they were lining up the manholes, there were some other obstructions in the way, one of which was the stream had moved to the point where it impacted the placement of the sewer, as well as a grave for the Jacobs' dog, Rocky. In addition, there were trees on the site that everybody wanted to preserve. We then slid the sewer line over 20 feet into the Galati's property.
- I can provide you with the as-builts. I have copies for everybody.
- Boyer We'll mark that as Exhibit C.
- Slagle This was the original design, a nice straight line, and we re-designed it down below to provide a jog.
- Boyer Would it have been preferable to have the line on Williams Avenue?

- Slagle We would have preferred it on Williams, because it would have been a nice straight line. Also, the Authority incurred additional cost to re-design the line. The original design was away from the stream, and there were limited obstructions. We would probably have gone through the Jacobs' sand mound. The line would have been closer to the residence, which would have made for shorter sewer laterals.
- Boyer I'll mark the as built as Exhibit D. Now, the final location of the sewer line, was that discussed with Mr. Galati and the Jacobs?
- Slagle I defer to Randy here, if I could.
- Randy Cleavenger At the time, we had to resolve this issue, we had an on-site meeting and tried to iron out the vagaries of the site. I don't remember the specific date. I think we have it on a letter. I believe it was in December.
- Boyer What problems did people have with Williams Avenue?
- Cleavenger It bisected the property. It rendered some of the property unusable.
- Boyer What are the easements?
- Slagle Twenty-five feet permanent and forty feet for construction.
- Boyer What was Mr. Galati's input?
- Cleavenger It was important to find a place for the sewer that wouldn't obstruct his development. We thought we found it.
- Boyer So Mr. Galati agreed to the placement?
- Cleavenger Yes, and subsequently we got the rights of way to build.
- Boyer Did Mr. Jacobs and the other property owners also agree?
- Cleavenger Yes. They had certain requests that we avoid the dog's grave, and some trees. We had to avoid the edge of the stream.
- Boyer We'll mark as Exhibit E the drawing being discussed by Bob Shader and Randy Cleavenger.
- Cleavenger The alignment of the stream did change. We were working from an old drawing. During actual construction, the line had to be moved about 25 feet from the original location, away from the stream, toward 519.
- Elish Twenty-five feet is a lot. Did you think about going back to the

participants?

- Cleavenger We didn't realize at the time we were out of the right of way. When we constructed, we believed we were within the right of way. I don't believe there was any discussion with the landowners.
- Slagle The sewer, as it passes through the Jacobs property, is within the right of way. A little corner (indicating on drawing) is out of the right of way. We just moved one end, not the entire thing.
- Boyer How much did you move? Do you know?
- Slagle Twenty-five feet at one end, down to zero. About 10 feet out of the right of way.
- Boyer Does anyone have any questions? Mr. Galati? Questions of Mr. Cleavenger?
- Mark Jacobs It doesn't look like 25 feet. It's still close.
- Cleavenger It's close, but it's out of the right of way.
- Slagle I have a correction on the right of way – it is 30-foot permanent and 40 foot temporary.
- Elish Can you estimate the amount of area between what was built and the boundary line?
- Cleavenger I would estimate...
- Slagle Ten x 60, or 10 x 80, divided by 2.
- Jacobs Was there any change to the angle for this manhole?
- Cleavenger The movement was to avoid the stream.
- Shader It went from in the center and moved out, it's a little more than 15 feet.
- Jacobs I have a comment I'd like to make. I understand Mr. Galati's concern about the creek and the sewer line. When you look at his lots, Lot 1 is only a quarter of an acre, Lot 2 is a third of an acre and Lot 3 is over a half an acre. That's where the complaint is. Why is he making the other two lots so much smaller?
- Boyer His position is he can't build on the third lot because of the position of the sewer line. He has to jog that line up a bit to make smaller lots. In

order to build a house on the third lot, he has to have a little more space.

Jacobs It's too small to begin with.

Boyer Original lot one on Exhibit A, how big is that? 105 x 175.

Shader That's .42 acres. 18,375 sq. feet.

Boyer The second is even smaller, 100 x 175. So lots 1 and 2 were not conforming.

Galati Williams on Jacobs' property was vacated long before I got involved. The Jacobs didn't want the sewer line to run into Williams, because their septic system was right in the middle of that right of way. Later I vacated the balance from their property to Dooley Street. When the proposed change was made to the line, I met with the parties involved and we discussed the sewer moving down. The trees that they're talking about are dead. I was in total agreement to where we were to place the sewer line originally and I was emphatic that I didn't want to jeopardize losing that lot. It's 280 feet long. I lost the distance between the creek and their new location, but I lost the whole 280 feet.

At this time, Mr. Galati reviews Exhibit B. Mr. Shader showed him the amount of property lost. Mr. Galati stated he lost more, because of having to avoid the right of way. Mr. Shader responded he did not lose the whole 280 feet.

Mr. Galati continued, stating that building lots are worth \$50,000. He was never informed about the movement of the location. He was out of the country for 3 months, and when he got back, the line was in.

A long discussion followed among all participants, with review of the Exhibits.

Elish I want to know where does the line get out of the right of way.

Slagle The area is indicated on an Exhibit for Mr. Elish and then Mr. Boyer.

Murphy How wide is that area? At the widest point?

Slagle At the widest point, it's about 10 feet out of the right of way.

Murphy If it weren't 10 feet out of the right of way, could he still build his house?

Slagle I don't know. We would like Mr. Galati 10 feet away from the sewer, but if we're outside the right of way, then I think he has the ability to

build pretty much up to the line.

Shader So really you haven't lost that by 280 feet.

There was discussion on the sizes of the lots as they were originally prepared. Mr. Galati stated he would like to re-design lots 1 and 2, and make them one half acre each. He will also work on the design for lot 3.

Elish Are there any homes in the development that were restricted from building, because they possessed a lot of less than one half acre?

Householder We had testimony at our last hearing from a woman who testified she had to have half an acre before she could obtain a building permit for a new single family dwelling. There are existing homes that have less than one-half acre. Non-conforming homes.

Boyer We'll consider the hearing closed. Do we have a motion? Or do we want to consider this and act at our next meeting?

Elish Let's act.

Galati I'll have something for you by the next meeting, if that's acceptable.

Boyer Okay, we'll continue the hearing for you. We'll wait for the additional drawing. Our next hearing is May 4th.

APPROVAL OF
MINUTES OF
MARCH 2, 2011 Motion by Shader, seconded by Boyer to approve the minutes of the meeting of March 2, 2011. Motion carried, all members present, and the minutes were approved as presented.

ADJOURN Motion by Shader, seconded by Boyer to adjourn the meeting, all business being concluded. Motion carried, all members present voting yes, and the meeting was adjourned at 8:20 P.M.

INFORMATION
PURPOSES Vianna Bandi, representing Kevin Dunn, for a mechanic's garage, at 1354 Route 519.

Carl Lieberman, contractor, for a proposed roof over existing patio at 1217 Lindenvue Drive.

W. Patric Boyer, Chairperson

Steve Bilko, Secretary

