

**WHITE OAK BOROUGH
PLANNING COMMISSION MEETING MINUTES
HELD JUNE 3, 2010**

Planning Commission Members Present:

Paul McCarthy
Tony Villinger
Glenn Beech
Al Lebedda

Planning Commission Members Absent:

Helen Stratigos

Others Present:

Wayne Washowich
Don Hultberg, Borough Engineer
Terry Leckman, Borough Solicitor
Bob Deglau, Allstate Mapping and Surveying
Joel Schroeder, Lincoln Way Supply
Jay Schroeder, Lincoln Way Supply
Kenneth Hrabar, Orion Development
Geoff Phillips, Orion Development

Mr. Lebedda: Before we start the meeting tonight, I'm going to ask if everyone has signed the sign in sheet. If you haven't, please do so.

Mr. Washowich: Yeah, we do signatures.

Mr. Lebedda: Everybody signed in? All right. I'd like to call to order the White Oak Planning Commission meeting for Thursday, June 3, 2010. Let's rise for the Pledge of Allegiance.

All: Recited Pledge of Allegiance.

Mr. Lebedda: The Planning Commission members who are present is Glenn Beech, off to my left; and Tony Villinger, Paul McCarthy, who is acting Secretary tonight; myself, Al Lebedda, Chairman. Helen Stratigos is absent tonight. To my right is Wayne Washowich, Building Inspector; Don Hultberg, Borough Engineer representative; and Terry Leckman, the Borough Solicitor. On the agenda tonight we have a couple of cases. I think what we'll do is the one for Francis McClure first, we'll have a final review of the proposed Francis McClure School Addition and, for tonight. So will the representatives for the proposed Francis McClure School Addition step forward to the microphone and

state you name and address, as well as stating your case? Please use the microphone so that your comments can be recorded.

Mr. Geoff Phillips: My name is Geoff Phillips, I'm with Phillips and Associates. We're the engineers working with the McKeesport Area School District to build an addition to the McClure School and parking lot.

Mr. Washowich: Geoff, can you pull that out, because we have to record this. You can pull that whole thing right out if you'd like.

Mr. Geoff Phillips: Okay.

Mr. Washowich: There you go.

Mr. Geoff Phillips: We were here last month and made a presentation, existing wise to the south of the school is where the addition is going to go. We've addressed a majority of the comments that the Engineer had from last month's review and I've added all those features such as the zoning around the property, there's only one difference in zoning from R-3 to R-2, which is down along the Lower Heckman Road. Everything else is R-2 around the school site. We're more than far enough away from the property lines, as discussed last month. There is no recorded right-of-way within the street. (inaudible) between the properties, with Attorney Gary Matta, had done a title search and he come across no information, so the dimensions we've shown are on the plan based on the outer property line. Some of the other comments, we've dimensioned the angled spaces to meet the ordinance requirements. I misunderstood the loading, we need one extra loading for our (inaudible) but we have more than enough room to add that to the plan. I (inaudible) let me know whether I needed the third one. We've dimensioned all the roadways and grading wise, the parking lot, the building addition, you know the school has a gym around it, and basically they're going to build two stories around that gym and separate the school into two. With kindergarten on that end, and 5 and 6 year, up to 4, and then 5 and 6 on this end, to share the same facility. The parking lot that is here, we're going to use as full service, one for a drop-off, and for the evening events, but during the day there will be a chain across here. So this would be what they call a hard play area, for the kids to play kickball and things like that. We have a storm water area, basically that's a bio-retention area, which the water is coming off of the parking lot and into that, which allows it to soak up and infiltrate into the ground. As, well as, the roof drains are all located there, so the water's just not out onto the surface, it's more of a NPDES and storm water (inaudible) requirements. The other thing, they are going to be doing, and one of the comments left us with the final storm water report for the review is they're also looking in to doing geothermal for this school, and meeting with the mechanical engineers, they're going to put the wells, drill so many wells, and they're drilling down about 300 or 400 feet to use the heat from the earth to work as a geothermal. But he's looking at a pattern in here, and once he has his final pattern, because he doesn't want me to have it, they don't want to be putting it right over where they're putting geothermal wells, or all we're gonna, that (inaudible) and somebody later on, further on down's going to find out where it comes out, so. Which isn't a good thing. All the utilities are

there. And in actually talking with the mechanical engineer, the problem, I've gotta put this lateral in to the sewer, that they were able to find elevation in here, there's a bathroom right here. So on our next submittal, I need to address these final comments and take care of them. I'm here to answer any questions.

Mr. Lebedda: Mr. Phillips, there were a couple of comments back in our session about the busses, do you want to bring that up?

Mr. Villinger: About the drop-off area?

Mr. Geoff Phillips: Uh huh?

Mr. Villinger: Can you explain a little bit more how that's going to work?

Mr. Geoff Phillips: this drop-off is just for cars.

Mr. Villinger: I understand that. Now, how is that going to work in the morning? Now I had a child at White Oak so I know how the drop-off and the pattern and all that work (inaudible) elementary school. Now I understand, you're going to come into that parking lot and go around to the right, to drop a child off –

Mr. Geoff Phillips: Uh huh, drop a child off.

Mr. Villinger: Now the next drop-off point to where you actually enter into that parking lot, how many cars do you think?

Mr. Geoff Phillips: Can stack around here?

Mr. Villinger: You're going the opposite, you're going to the right, correct?

Mr. Geoff Phillips: These cars, yeah, are going to come in here, drop off here, and then come back around so you have --

Mr. Hultberg: Geoff, he's concerned with the in stacking, the cars coming in.

Mr. Geoff Phillips: Here?

Mr. Hultberg: Yeah, over to the door.

Mr. Villinger: Right.

Mr. Geoff Phillips: About 10 – 12 cars, maybe.

Mr. Villinger: The reason why I'm saying that, is down at that school in the morning, currently,

you can have as many as 15 – 20 cars backed up. So really then at that point, your overflow is going out onto the main road. Has the school said anything to you about how they're going to police that in the morning?

Mr. Geoff Phillips: Well, what was discussed at last month's meeting was that I think that was brought up, about the possibility that they may have to have somebody out here directing traffic.

Mr. Villinger: Not only will you have the cars stacking up and turning in, but then you're going to have the exiting.

Mr. Geoff Phillips: Well the exit will be back up here. I was never given any information as to how many cars, other than the amount of spaces that they'd like to have here.

Mr. Villinger: I mean that's more a potential concern for safety, that's more the School District than yourself.

Mr. Geoff Phillips: I have to have a, the only thing I can respond to you is that they may have somebody here directing traffic, whether it's one of the teachers, a lot of the schools do do that, they have one (inaudible)

Mr. Villinger: Well I know now they actually have a security guard, or a crossing guard.

Mr. Geoff Phillips: And then maybe the security guard will be there (inaudible) My understanding as far as the school, that there will be two different times that the buses come for K-4 and then the 5-6 will be at two separate times.

Mr. Villinger: And then, now the bus drop-off, that's going to take, utilize the existing drop-off?

Mr. Geoff Phillips: That's correct.

Mr. Villinger: Now where will they be dropping the kids off there? Will kids be going in through the existing front door?

Mr. Geoff Phillips: Yeah, they would be coming in this area here.

Mr. Villinger: So they'll be going, they'll be entering the building in through the existing front door?

Mr. Geoff Phillips: Right, right.

Mr. Villinger: And going down ---

Mr. Geoff Phillips: Right, right.

Mr. Villinger: Because I thought I had heard last month that they were going to be –

Mr. Geoff Phillips: As far as the classrooms are separate, as far as the one side versus the other, but this, this isn't a new school, I mean, you know, we're adding on to it, so they're still going to have the bus drop off over here. The car drop off would be here.

Mr. Villinger: So then the kids, the small kids will be going through the building to get to their classrooms as opposed to outside?

Mr. Geoff Phillips: Correct.

Mr. Washowich: I wasn't aware of that.

Mr. Lebedda: Are there any other questions?

Mr. Washowich: I never knew that the elementary was going to use the same entrance into the –

Mr. Villinger: That's why I brought this --

Mr. Geoff Phillips: Bus wise, that's my understanding.

Mr. Washowich: Because the elementary students are in, are going to be housed in the new addition.

Mr. Geoff Phillips: In the new addition?

Mr. Washowich: Right. And the intermediate are still where they're at, they're going to stay where they're at. You have it switched.

Mr. Geoff Phillips: Okay.

Mr. Washowich: But uh, I was not aware that they were going to be entering the existing building as –

Mr. Geoff Phillips: yeah, because the entrance is currently –

Mr. Washowich: I thought there was going to be another door.

Mr. Geoff Phillips: Well there is an entrance here.

Mr. Washowich: Yeah, that's where I thought maybe those kids were gonna go–

Mr. Geoff Phillips: But I don't know, they may have to come down on the sidewalk then and in that one.

Mr. Washowich: Yeah, that's where I thought they were gonna –

Mr. Geoff Phillips: Yeah.

Mr. Washowich: I didn't think they were going to go into the uh –

Mr. Villinger: So there is an entrance on that side?

Mr. Geoff Phillips: Yeah, there is an entrance here. The currently existing entrance is here, and then this is going to be like a community room that they're adding in there. Um, and seminar room type thing. But there is an entrance being made right here.

Mr. Villinger: The only issue or concern I have, is I had heard last month, I thought I had heard last month, that the way they would be going in would be on the new entrance and that's on the side of the building. I didn't realize –

Mr. Geoff Phillips: Well there is an entrance right here for the drop off, but there is an entrance right here on the front. Because they're trying architecturally to match the view along the front of the building. And that's what they felt with the new schools, the new ones, the other two that they're proposing, two separate entrances, which they're actually identifying a lot better.

Mr. Villinger: Just so there's an entrance for them on the front side of the building as opposed to the side.

Mr. Geoff Phillips: Yeah, there is an entrance here, going in, and then there is the one entrance over on the side.

Mr. Lebedda: Any other questions from the Commission? Don? Mr. Hultberg, do you have any comments you wish to make?

Mr. Hultberg: Yes, even though Mr. Phillips has addressed several of the issues that I will read, I'd like to read this in, just for a matter of record. On behalf of the Borough of White Oak, the EADS Group has reviewed the following information in support of the above referenced plan. Francis McClure School Expansion – Land Development Plan with latest revision date of May 20, 2010. We offer the following comments: Under subsection 1363.05 – three (3) loading spaces are required by the Ordinance, please revise the chart on C2.0 and locations as necessary throughout the site. Under the Sub-division Land Development Ordinance, subsection 1391.08 and 1391.09, provide the post construction storm water management report for the project as submitted with MPDS application for review, based upon review of the post construction storm water management report, additional comments may be generated, in addition, infiltration testing and calculations are required to ensure the bio-retention pond will drain within 72 hours. And also, the final comment is, please provide a copy of the NPDS approval letter from the Allegheny County Conservation District. Based on these comments, the EADS Group recommends final approval of the site plan, contingent upon satisfactorily satisfying the above conditions. That's the end of my report. Mr. Philips and I have

talked, he's aware of all these items, in fact, he brought up most of them tonight, and it's just a matter of waiting for the geothermal study to be completed before he can do his thing.

Mr. Lebedda: Okay, thank you. Mr. Leckman, do you have any?

Mr. Leckman: No, no comments.

Mr. Lebedda: Are we ready to vote? Mr. Secretary could you read the –

Mr. McCarthy: Yes. I move that this Planning Commission approve the site plan for the proposed project known as Francis McClure School Expansion Plan, and as described on the plans and supporting documents prepared for the applicant, McKeesport Area School District, by Phillips and Associates, Inc. And that the White Oak Borough Code Enforcement office issue a building permit to the applicant upon submission of all required Borough, State, and County support documentation. Said recommendation shall be subject to the following conditions: That would be satisfaction of all conditions and site plan deficiencies as set forth in the Borough Engineer's report dated June 2, 2010.

Mr. Lebedda: A motion has been made, do I hear a second?

Mr. Villinger: Second.

Mr. Lebedda: A motion has been made and seconded, all those in favor signify by saying aye.

All: Aye. (unanimous)

Mr. Lebedda: Opposed, no? Motion carried.

Mr. Geoff Phillips: Thank you very much.

Mr. Lebedda: Our second case tonight deals with the Lincoln Way Real Estate Site Plan. I'm going to ask that the representatives for the site plan step in front of the podium, state your name and address, as well as your case. Again, please use the microphone, so that the comments can be recorded.

Mr. Robert Deglau: Robert Deglau, from Allstate Surveying and Mapping, 11639 Route 30, in Irwin.

Mr. Joel Schroeder: Joel Schroeder from Lincoln Way Supply, 2704 Lincoln Way, White Oak.

Mr. Jay Schroeder: Jay Schroeder, Lincoln Way Supply, 2704 Lincoln Way, White Oak.

Mr. Lebedda: Thank you.

Mr. Robert Deglau: Do you want to explain to them a little bit, or have Don read the report?

Mr. Lebedda: If you can explain a little bit.

Mr. Robert Deglau: I'll explain what I did for the applicant, as far as the (inaudible) then maybe the applicant can give you some back ground on the property.

Mr. Lebedda: Okay.

Mr. Robert Deglau: The plan shows the property, which would be on the northerly side of Lincoln Way, heading out to Westmoreland County, towards Irwin, it would be on the left hand side. They currently own a business on the south side, which is not shown, but it would be directly adjacent, across from that. The property is zoned C-2, with 100 foot frontage, it's a combines sub-division. It was sub-divided approximately 12 years ago and combined, where there was an existing single family home, which would be right where we propose the parking, and then a two car garage. I'd say within the last five (5) months, you demoed it? They purchased the property and demoed the home, for this purpose, to get proposed parking for their facility. The plan basically shows the exact location of the garage. The outline of the gravel, the entrance to the driveway, the four (4) parking stalls, and the topography. Basically, at the very top of the page, which would be due north, is all hillside, wooded, comes down to a bottom or toe slope, right behind the garage. The rest of that is pretty much, approximately 2% pretty level, but it slopes out to Lincoln Way, and there's an inlet right on the property. These basically show some detailed information, and I can answer any questions that you have.

Mr. Lebedda: All right.

Mr. Joel Schroeder: We purchased the property directly across from our business last December, and it was a condemned house, as Wayne knows, but we have a need for additional parking for our employees basically. We don't want to use it at this time for any reason, no activities, it's more of parking at this point, for our employees, you know, which come in the morning and leave in the afternoon. So the garage over there, we don't have big plans for that, it's not very big, just excess items, you know, like tires or whatever, excess items you have when you run a business. So it's not anything retail related at this point, so, and we understand if we do want to use that for any type of retail use, it would have to come back before you folks.

Mr. Lebedda: Do you have anything you want to say? The Planning Commission, do you have any comments to make?

Mr. Beech: This is strictly for the employees?

Mr. Joel Schroeder: Correct.

Mr. Beech: Because I have concerns, you know, patrons using and crossing that street, and it's a safety issue.

Mr. Joel Schroeder: Yeah, I agree with you, it's not real conducive to park there in the first place.

Mr. Beech: Okay, that was the only concern I had.

Mr. Lebedda: Any one else?

Mr. McCarthy: This isn't for storage of any building supplies or blocks or anything?

Mr. Joel Schroeder: No, no building material or block or anything.

Mr. McCarthy: Okay. I know that's in a flood zone, I don't know how far back it goes into the property itself, any –

Mr. Robert Deglau: We have approximate locations, it's approximately 15 to 20 feet north of the frontage on the right of way.

Mr. McCarthy: Okay.

Mr. Robert Deglau: So, it doesn't go up to the garage.

Mr. McCarthy: Okay. Um, do you plan on keeping the garage?

Mr. Joel Schroeder: For now. We didn't, it's in good condition.

Mr. McCarthy: Oh, is it?

Mr. Joel Schroeder: So we didn't want to rip it down. I'm sorry, it's in good condition so we didn't want to rip it down at this point.

Mr. McCarthy: Okay. I don't see a problem with the parking, I guess just, you're aware, that if you do some other use from it, you'll have to come back and get an occupancy permit, so, that's all I have.

Mr. Lebedda: Mr. Hultberg?

Mr. Hultberg: Again some of the issues were addressed, but I will read this into the record. On behalf of the Borough of White Oak, the EADS Group has reviewed the following information in support of the above referenced project, which is the Lincoln Way Real Estate Site Plan Review at 2713 Lincoln Way. We reviewed the Lincoln Way Real Estate Site Plan dated April 11, 2010, and storm water management report. We offer the following comments: Under zoning ordinance subsection 1333.03, revise building setback dimensions in chart and show dimensions on the plan and add maximum building height requirements to the plan. I'll interject here, that's just a technicality, I want it shown on the plan, it won't affect anything. Subdivision and Land Development Ordinance, subsection 1391.08 and subsection 1391.09, based upon the provided storm

water management report, it appears that on site storage may be required to prevent an increase in the post development storm water runoff rate. The developer has been requested to provide additional calculations, which will be evaluated upon receipt. Subsection 1711.03 b, provide plan of property drawn to scale, the proposed plan does not seem to be drawn to a proper scale, please revise. Subsection 1711.03 h provide benchmark or datum to which the contour elevation are referred. I want to be able to compare it to that 100 year flood plain elevation, so.

Mr. Robert Deglau: I took it from a reference (inaudible)

Mr. Hultberg: Did you?

Mr. Robert Deglau: (inaudible)

Mr. Hultberg: Give me, yeah, give me that reference, just so that I know what it is, and then I know that those contours are matching the flood plain. A highway occupancy permit from the Pennsylvania Department of Transportation may be required, please provide a copy of the permit or evidence from the Department that a highway occupancy permit is not required. Please note that a erosion and sedimentation control permit may be required from the Conservation District if earth moving activities occur on the site, or dirt from the site is gathering on Lincoln Way. Provide a scale for the site location map. And please indicate how the required parking count was computed, patrons or square footage, revise as necessary. Now, I believe no matter how you calculate it, you meet the parking requirements, it just needs to be stated so on the plans so that we have it as a matter of record.

Mr. Robert Deglau: Okay, I got these plans from (inaudible) just to (inaudible)

Mr. Hultberg: That would help immensely if you add that to the plan. And based on this, EADS recommends final approval of the site plan contingent on satisfactorily satisfying the above conditions. And that's the end of my report Mr. Chairman.

Mr. Lebedda: Thank you. Mr. Leckman do you have any comments?

Mr. Leckman: No comments Mr. Lebedda.

Mr. Lebedda: Okay. Any other comments from anybody on the Commission? I'll entertain a motion to approve the site plan.

Mr. McCarthy: I'll make that motion Mr. Chairman. I move that this Planning Commission approve the site plan for the proposed project known as Lincoln Way Real Estate Plan and as described on the plan and supporting documents prepared for the applicant Joel Schroeder by Allstate Mapping Incorporated. And that the White Oak Borough Code Enforcement Office issue a building permit to the applicant upon submission of all required Borough, State, and County support documentation. Said recommendation shall

be subject to the following conditions: Satisfaction of all conditions and site plan deficiencies as set forth in the Borough Engineer's report dated 6/2/10.

Mr. Lebedda: A motions been made. Do I hear a second?

Mr. Villinger: I'll second the motion.

Mr. Lebedda: A motion's been made and seconded, all those approve, signify by saying aye.

All: Aye. (unanimous)

Mr. Lebedda: Opposed, no? Motion carried.

Mr. Lebedda: We also have a pre-application meeting for Rite-Aid, so will the representatives for this project please step forward to the microphone, state your name, and address, and as well as stating your case. And also use the microphone so that comments can be recorded.

Mr. Ken Hrabor: My name is Ken Hrabor with Orion Development. This is my engineer passing out the site plans (inaudible) his name is Geoff Phillips, he's also a part of our company. I reside at 135 Monterey Drive, in McMurray, Pennsylvania. And I'll let Geoff (inaudible)

Mr. Geoff Phillips: We're here tonight to introduce a proposed Rite-Aid development at the intersection of Lincoln Way and Route 48, on the Thomas car dealership property. What we have is, there's actually three (3) pieces of property that Mr. Thomas owns. There's a piece at the corner, which used to be an old gas station, then there's the main dealership piece in the middle, and then there's an empty lot to the side. So there's three (3) pieces. What we're proposing is to develop the northern part, of about a little over two (2) acres of which will leave a residual of three (3) acres for the main dealership building that's there, that's vacant. What we're proposing to do is to construct a 14,674 square foot Rite-Aid store with a drive-through, which will be facing the creek side, Long Run Creek, which is down along the eastern property line. We've had several meetings with PennDOT since this is a high volume intersection here, and in conjunction with Rite-Aid they have requested that we try to get a right in, right out off of Lincoln Way. And so we've had several meetings with PennDOT. I have traffic studies that have been submitted to them for review. And we should receive the report the end of this month, some comment back from them, as to whether they're going to allow the right in, right out. The other two driveways would be on Long Run Road. One directly to the southern part of the property would be a full access driveway, in, out and left turns off of Lincoln Way. The traffic study which was done, said there's adequate sight distance for all of that. And then there would be, opposite Oliver Avenue, Street or Avenue?

Mr. Lebedda: Drive.

Mr. Geoff Phillips: Oliver Drive, we are only looking at a right in, right out since it's so close to

the light. So there would only be one full access driveway here. Again, PennDOT will come back to us with any other restrictions. That's what was proposed to them, and until we hear comments, that's what's happening. At this time, we're only looking at developing this corner, because Rite-Aid's the only one that's at this time, has shown interest. As far as the residual of the property, we'd be glad to develop the rest of it, if somebody would like to come rent the space, and Ken, he was out beating the bushes, trying to get some additional development to come in, retail to come into this area, or restaurants, or whatever.

Mr. Lebedda: Restuarants, we need.

Mr. Geoff Phillips: You'd like a restaurant, huh? Maybe a Dunkin Donut or –

Mr. Lebedda: No, a restaurant.

Mr. Geoff Phillips: You know, I think we're looking at this as the spark that keeps the fire going and (inaudible) economic conditions as they are right now, (inaudible) but there are (inaudible) corner, and (inaudible) the rest of this (inaudible) may be some other retail users (inaudible) working on those (inaudible)

Mr. Lebedda: I'm sure I know the answer to this question, but we already have two (2) Rite Aids in White Oak. I'm pretty sure of the answer to that, but go ahead.

Mr. Geoff Phillips: Yeah, let me, I can explain the business moves behind Rite Aid and what they're looking to do. You are correct, there are two Rite Aids in White Oak and the reason there's two today is because at a point a few years back Rite Aid purchased the Eckerd Drugstore chain, and therefore the Eckerd became the Rite Aid in the plaza across from the car dealership. So what Rite Aid would like to do today, is consolidate both operations and keep one as their new prototype stores that provides the adequate square footage, provides the drive through, and all of the whistles and bells, if you want to call it, to this corner. And Rite Aid would be investing and bringing to White Oak their first rate prototype building, which is roughly a little over 15,000 square feet, it's a beautiful (inaudible) structure, it's, at the end it will be a very nice development on the corner, at this intersection, so hopefully everybody (inaudible) and in fact, the prototype, you can go see it yourself, is on Walnut Street at Retail Drive. It will be a similar building. Maybe a little different, but, it will be actually (inaudible) I like to (inaudible). Maybe something slightly less, but it will be close to that in architectural design.

Mr. Phillips: Just one other thing I thought of on the site that was brought up. PennDOT actually owns this piece here. They took right-of-way back I guess in the 70's and this was going to be a big interchange when they were going to make 48 a main artery corridor, so, they're going to still retain the property. We're just looking for a driveway across it, but as you know, it's a sea of asphalt there. So we're going to be removing all of the asphalt, and actually the building itself if you look where the car dealership is, there's a chain link fence around, we're going to be that far back away from the intersection. So the building is back off. This area will be, we're going to, want to utilize

this area, which is actually where the existing old gas station building is. It will be a big bio-retention area, which is, it's going to have plants and materials and stuff in it. But we also have had a couple of meetings with the staff here, the administration, that if we go and remove all of this, PennDOT's told us they won't mow it, but what we've looked at doing is, what you have across the corner, the northeast corner, where the conservation had put in, the Conservancy has put in a flower garden and things like that that could be done. And maybe a sign for White Oak or something like that. So it would be, we would mow the grass and everything, but then they would beautify this corner. (inaudible) nice area in front of the building, instead of straight asphalt to the intersection (inaudible) maybe something (inaudible) The time line, again we're waiting for PennDOT. They have to come back to us, towards the end of this month. Which I don't know if it will be in time for us to get plans in for July's meeting, so realistically, it's probably going to be, hopefully be back before you in August, looking for approval.

Mr. Lebedda: Any other comments from the –

Mr. Villinger: Yes, has Rite Aid given you any indications of what they're going to do with the other two (2) locations? Now I know the one's in the strip mall, but I know that they own the other building that's up in our other area, (inaudible)

Mr. Phillips: Correct.

Mr. Villinger: What's going to happen with those? Especially that one.

Mr. Phillips: Sure, and everything I say is obviously, I'm not really from Rite Aid, but they tell me things on occasion so this is subject to change, but I believe that their plan is to keep that as more of an office facility on Lincoln Way. Because they do run a regional office out of the back of that store. So that may turn more into an office type use. And that's with respect to that location. With respect to the space next to the Giant Eagle, they would just vacate it and that property owner would probably most likely put that back on the market for lease.

Mr. McCarthy: Your access that you're looking to get from PennDOT, is that a make it or break it deal there, that access? If you don't get it then you're not going to build the Rite Aid?

Mr. Phillips: The right in, right out off of Lincoln Way, that's why we wanted to submit plans, so we know what we have there.

Mr. McCarthy: Okay.

Mr. Phillips: Rite Aid Corporate approved these subject to having those access points as they are. (inaudible)

Mr. McCarthy: Now you did mention there was a gas station there at some point, I guess some of your environmental studies will look to see if there's any tanks underground?

Mr. Phillips: Yeah, once the project moves forward, according to PennDOT, they removed the tanks, but there's no documentation at DEP or elsewhere.

Mr. McCarthy: They're probably still there.

Mr. Phillips: So we've done a Phase I that says there is no documentation that says they've been removed. So if everything goes forward, we'll be doing a Phase II, poking some holes in there and seeing if PennDOT was right or wrong. We can't seem to give me any documentation other than, oh they were taken out, we do that all the time.

Mr. McCarthy: Did PennDOT, did they insist on keeping that section of land there?

Mr. Phillips: Well originally when we looked at laying this out, we were going to have this much closer, up here, but then after we looked at the flood plain, you know, on a preliminary basis, but then after looking at the flood plain and having our initial meeting with PennDOT, in order to get, because retailers want their absolute double row of parking, double row of parking, it pulled back away, so we don't need that property. Mr. Thomas, I guess had a lease with them when he was doing his car dealership there, and subsequent that it's now, his dealership isn't there, they had to (inaudible) on it. So we were looking at possibly leasing, but now we won't.

Mr. Hrabor: Al, I just want to touch on the PennDOT piece, considering it's importance to make this deal work, pretty much not make the deal. We've spent a lot of time with PennDOT up to this point. We've given them everything they've requested. Special meetings, Jack Petro and Don have been part of those meetings. And they're requested that we do a special study, which we've done, and we've submitted as Geoff indicated, so um we're doing everything that we can to satisfy PennDOT and I just want to ask that if you guys are interested in this project becoming a reality, your support would be very much appreciated, and letting PennDOT know that. So please, take that into consideration, and a few of you, I've already said that to, so I just wanted to make it kind of a point to the Board. We need your help.

Mr. McCarthy: Well there used to be a road there, when it was a gas station.

Mr. Hrabor: I understand.

Mr. McCarthy: There was an access in and out.

Mr. Hrabor: Geoff did you talk about the trees?

Mr. Phillips: Well um, there isn't much, there is a row of trees that are along here, along the creek and the ones on our side are going be, all new landscaping, much lower, and visibility to the adjacent property, we're going to see about them cutting trees down for the visibility. And in actuality, (inaudible) this is all still right-of-way. (inaudible) I think what we're trying to do is create a very visible corner with an open (inaudible) And

uh, (inaudible) visible coming from (inaudible) intersection (inaudible) trees (inaudible) just along the creek.

Mr. Washowich: The dealership Geoff, as it stands now, the building, what will be, how close is the new proposed building going to be to the existing building?

Mr. Villinger: How many feet?

Mr. Hrabor: About 140 feet to the rear property line.

Mr. Phillips: No they were talking about the building. Yeah, it's about 100 off of the face of the building, the drive is about 100 feet.

Mr. Washowich: You're going to keep the building there?

Mr. Phillips: Yes, right now.

Mr. Washowich: For right now?

Mr. Phillips: For right now, unless another user –

Mr. Washowich: Demolish the one that's at the corner now? Right?

Mr. Phillips: Right. If another, somebody comes in, that's what we would do is progressive work, so we probably, if somebody's came in, even though they didn't get the whole piece of property, (inaudible)

Mr. Washowich: So, your question at one point was, let's see a dealership was to move in?

Mr. McCarthy: Yeah, the last, we talked on that, yeah.

Mr. Washowich: You'd have to have at least a minimum of two (2) acres.

Mr. Phillips: Well they have, the residual is 3 –

Mr. Hultberg: 3.16.

Mr. Phillips: 3.16 plus this is another acre and a half. So, you know, they have –

Mr. McCarthy: So someone could, theoretically use that for that same purpose?

Mr. Phillips: Use it as a dealership and there's still sufficient room with no –

Mr. McCarthy: Okay.

Mr. Phillips: We're talking to these people right now (inaudible) the dealership back.

(inaudible)

Mr. Villinger: So who's actually going to own that property, is Rite Aid or?

Mr. Phillips: Orion Developmental Company.

Mr. Lebedda: I was under the impression that Massie was moving up there, is that, did that fall through? Or wasn't that ever in the plan? I had heard that.

Mr. Phillips: We don't know, we just know Orion has it under contract, we're looking (inaudible) develop it (inaudible) left a message (inaudible) he hasn't –

Mr. Leckman: That's actually my issue, you guys promised that back in April to me, and I don't have it yet. I'd like it non-redacted too.

Mr. Phillips: Okay.

Mr. Leckman: That whole contract there, I think there had been some discussion about taking parts of it out or something like that.

Mr. Phillips: Well I'll just have (audible) at this point to talk about it now or?

Mr. Leckman: Whenever Al says it's –

Mr. Lebedda: Yeah, that would be fine.

Mr. Leckman: It just , it got brought up before –

Mr. Phillips: I have a contract. I also have John Thomas' (inaudible) with respect to --

Mr. Leckman: I can take in (inaudible)

Mr. Phillips: (inaudible) brother to represent, but I'm here reporting on the (inaudible) and I have no issues giving you a contract and showing you everything (inaudible) in the contract (inaudible)

Mr. Leckman: I just want a copy.

Mr. Phillips: Yeah, I'm a little sensitive about showing the price the clients (inaudible)

Mr. Leckman: I'm not, I mean, the price is eventually a matter of public record.

Mr. Phillips: Right.

Mr. Leckman: It's not like I'm going to distribute it publicly, even. The Borough has me examine things to make sure that we're holding the meetings (inaudible) --

Mr. Phillips: Well I just, I don't have our owner/seller's approval, and that's the problem, I'll probably talk to John about that tomorrow. So if you don't mind, I just want to get the owner's consent, is that okay?

Mr. Leckman: Sure.

Mr. Phillips: I can give you a signature page if you want that right now.

Mr. Leckman: Well, I eventually need the whole contract, is what I'm saying.

Mr. Phillips: (inaudible)

Mr. Leckman: Because somebody talked about redacting things, and I mean, if something's in there, and something's taken back out, I can't tell.

Mr. Phillips: Why don't you just (inaudible) signature on (inaudible) talked to them. I did cross out the verbage on this.

Mr. Leckman: I would think he should have no objection actually, if he wants this project to go forward.

Mr. Phillips: Well, my only concern is, if it doesn't go forward, and for some reason or another (inaudible) property.

Mr. Leckman: I'm not necessarily going to share it with anybody, I mean, although my confidentiality doesn't extend to you people (inaudible) When I get asked questions by Council or Planning or something like that I just have to (inaudible) I would prefer the document to be able to do that.

Mr. Lebedda: Most of us up here really don't care about the amount of money, we just wanted to see the contract.

Mr. Phillips: (inaudible)

Mr. Lebedda: And he's the only one that's going to see it. None of us up here are interested.

Mr. Phillips: (inaudible)

Mr. Lebedda: You'll have to ask the Solicitor now.

Mr. Leckman: I still want the contract, non-redacted.

Mr. Phillips: I'll talk to him.

Mr. Washowich: It's going to be in The Daily News anyway.

Mr. Leckman: Yeah, eventually it's all public anyway. If it doesn't go through then --

Mr. Phillips: That's my point.

Mr. Leckman: Then it's not in The Daily News.

Mr. Phillips: Okay.

Mr. Leckman: If you want the copy back you can have it back.

Mr. Villinger: So if I'm hearing this right, everything is hinging on PennDOT as to whether or not the seven (7) acre, just the seven (7) acres (inaudible)

Mr. Phillips: Partially correct. It just whether or not the (inaudible) because with it being developed now, they have an option on the rest of it.

Mr. Villinger: The Rite Aid you mean?

Mr. Phillips: Yeah, that's all we're developing.

Mr. Villinger: So if you don't get the recommendation from PennDOT, they'll still be purchasing that land?

Mr. Phillips: Possibly. (inaudible)

Mr. Lebedda: Are there any other questions? Oh well I guess that's it for tonight, thank you for your presentation, that's interesting.

Mr. Phillips: Thank you.

Mr. Lebedda: Any other business before the Planning Commission? I'll entertain a motion to adjourn.

Mr. McCarthy: I'll make that motion.

Mr. Lebedda: A second please?

Mr. Villinger: I'll second that.

Mr. Lebedda: A motions been made and seconded, those in favor, signify by saying aye.

All: Aye (unanimous)

Mr. Lebedda: Opposed, no? Motion carried.

