

**MINUTES OF THE REGULAR MEETING JUNE 11, 2013
OF THE MT. LEBANON COMMISSION**

The Commission of Mt. Lebanon, Pennsylvania, held a Regular Meeting at 8:00 P.M., on Tuesday, June 11, 2013, at the Municipal Building, 710 Washington Road. President Kluck called the meeting to order and led in the Pledge of Allegiance to the Flag. Manager Stephen M. Feller called the roll. Present were Commissioners John Bendel, Dave Brumfield, Kelly Fraasch, Kristen Linfante, and Matt Kluck. Also present were Assistant Manager Taylor, Chief of Police McDonough, Public Works Director Kelley, Planning Officer McGill, and Inspections Officer Berkley. Also present were Phil Weis of the solicitor's office and Dan Deiseroth of the engineer's office.

**PRESENTATION BY CHIEF MCDONOUGH REGARDING
THE MT. LEBANON POLICE OFFICER OF THE YEAR, PAUL PETRAS**

Chief McDonough presented the Police Officer of the Year award to Officer Paul Petras.

CITIZEN COMMENTS

Leroy Myers of 750 Washington Road spoke about the mid-block crosswalk by Washington School.

Dan Gigler of 750 Washington Road spoke in support of the mid-block crosswalk, asking that it be upgraded to include a pedestrian-activated signal and in-pavement lighting.

Steve Feller stated that PennDOT had issued a permit for the experimental use of these devices at this location, but that funding had not yet been secured.

David Huston of 505 Sleepy Hollow Road spoke about the Memorial Day parade and ceremony. He also spoke about the water break at the library, tax office receipts, and weeds in the planter by PNC Bank.

Michael Bikerman of 750 Washington Road spoke in support of the mid-block crosswalk on Washington Road.

Elaine Gillen of 735 Vallevista Avenue stated she had concerns regarding paying more fees under the proposed "pay as you throw" program.

Bill Lewis of 816 Ridgeview Drive spoke about off-street bicycle parking.

**CONSIDERATION OF THE MINUTES FROM
THE ADJOURNED MEETING HELD MAY 28, 2013**

Mr. Bendel moved and Mr. Brumfield seconded to approve the minutes. The vote was called. The motion passed unanimously.

**PUBLIC HEARING AND CONSIDERATION OF RESOLUTION NO. R-8-13
FOR THE TRANSFER OF A LIQUOR LICENSE TO H&R BROTHERS 3, LLC**

Mr. Brumfield said state law allows liquor licenses to be transferred between establishments in different municipalities. Prior to submitting the license transfer to the Liquor Control Board, the municipality into which the license is being transferred must hold a public hearing and act on the transfer.

H&R Brothers 3, LLC has a lease for property located at 1695 McFarland Road, Pittsburgh, PA 15216 and is seeking to open a restaurant at this location. H&R Brothers 3, LLC has requested a hearing before the commission for approval of the transfer of a liquor license to this location.

Mr. Kluck declared the public hearing opened.

Louie Caputo, representative for H&R Brothers 3, stated that they are requesting a liquor license transfer to 1695 McFarland Road, for a restaurant named Pitts Doggin' It. He stated the restaurant tends to provide a casual atmosphere, providing specialty hotdogs and beer, with seating for 35 patrons, and 5,000 sq. ft. The hours of operation are Sunday through Saturday Noon until 2 a.m., with three full-time employees He stated that there are two other restaurants located in Shadyside and Oakland, with another facility pending in Squirrel Hill.

Mr. Bendel asked what the percentage was regarding food and alcohol. Mr. Caputo stated that at least 80% of the revenue is generated through the sale of beer. The business sells over 700 brands of beer.

Mr. Bendel inquired as to any negative incidents occurring at the other established facilities. Mr. Caputo stated that he is not aware of anything happening negatively at the other establishments. He stated that the restaurant has been very well received.

Mr. Bendel inquired about parking and traffic issues. Mr. Caputo stated that there is sufficient parking in the area, explaining that the other restaurants are in high-traffic areas, and there is never a problem with patrons accessing the establishment. The Shadyside restaurant is in a strip center with two other businesses, including a restaurant, and there has never been any problem.

Mr. Bendel inquired as to why a parking analysis was not done. Mr. Caputo stated that a study can be done, but there has never been a parking issue with the other restaurants. He added that there are a certain amount of spaces allotted specifically to the business in the lease.

Hugh Beal of 107 Morrison Drive inquired about security being provided in the parking lot. He asked if servers under 21 will be permitted, even though it's legal. He also asked if any of these establishments has been cited for serving underage patrons, and he asked if tobacco products would be available, and if smoking was permitted inside the establishment.

Mr. Caputo stated that all employees at these establishments are at least 21, and all employees are RAMP-certified, which is the Responsible Alcohol Management Program, and TIP-certified, which is the Trainers Program, with the state Liquor Control Board. The certification is yearly, and it needs renewed each year. Mr. Caputo stated that they do not plan to have a security guard

in the parking lot. He stated that there have never been any problems that would require providing a security guard. He stated that as a licensee, they are responsible for what transpires both inside and outside of the establishment. He said that they take their responsibility very seriously. He added that they have never been cited for underage drinking. He also stated that there is no on-premise smoking permitted, but cigarettes will be available for sale. He stated that most beers are sold individually, but there will be six-packs available.

Mr. Weis stated that the municipality was not ready to vote on this motion and inquired as to complying with the statute in rendering a decision within an additional 60-day period.

Mr. Kluck suggested that the commission render a decision at the next meeting.

David Huston of 505 Sleepy Hollow Road stated that the former establishment, a video store, had a front and rear entrance. Mr. Caputo said the restaurant would use both entrances.

Because there were no further comments, Mr. Kluck declared the public hearing closed.

**CONSIDERATION OF ORDINANCE (BILL NO. 11-13) AMENDING
CHAPTER XX (ZONING) TO REGULATE PHOTOVOLTAIC SYSTEMS**

Ms. Fraasch said the ordinance provides for specific regulations and definitions for photovoltaic systems as an accessory use in all districts.

Ordinance (Bill No. 11-13) amends the zoning ordinance to allow solar photovoltaic systems in all zones as an accessory use. The ordinance applies to building and ground mounted systems. It adds definitions, and also imposes restrictions relating to location, setbacks, design and installation standards, height, screening, impervious coverage, inspection and safety. The ordinance requires a permit for installation of these systems.

Ordinance (Bill No. 11-13) was introduced May 14, 2013, and the public hearing was held May 28, 2013.

Ms. Fraasch moved and Ms. Linfante seconded to enact Ordinance (Bill No. 11-13). The vote was called. The motion carried unanimously.

**CONSIDERATION OF ORDINANCE (BILL NO. 6-13) ACCEPTING
THE DEDICATION OF CERTAIN STORM SEWERS IN
ACCORDANCE WITH AN AGREEMENT BETWEEN THE
WOODRIDGE HOMEOWNERS ASSOCIATION AND THE MUNICIPALITY**

Ms. Linfante said in accordance with the developer's agreement, the Woodridge Homeowner's Association made upgrades to portions of the existing storm sewer system within the development in order for the municipality to consider their acceptance into the public storm sewer system.

The upgrades to the existing storm sewer system have been inspected and recommended for acceptance by the municipal engineer. On February 26, 2013, the planning board also recommended acceptance of the public improvements. This ordinance was introduced March 25, 2013.

Ms. Linfante moved and Ms. Fraasch seconded to enact Ordinance (Bill No. 6-13). The vote was called. The motion carried unanimously.

**CONSIDERATION OF A CONDITIONAL USE REQUEST BY
PNC REALTY TO PROVIDE A REMOTE DRIVE-THRU BANK
FACILITY FOR A PROPERTY LOCATED AT 1721 COCHRAN ROAD**

Mr. Bendel said the zoning ordinance identifies drive-thru facilities as a conditional use.

The applicant currently operates a branch banking center within the Virginia Manor Shopping Center. PNC Bank proposes to construct a remote drive-thru banking facility on an adjacent lot to accompany their retail banking center. The proposed 600 sq. ft. drive-thru will accommodate an automated teller machine and additional teller lanes as well as two employees. The applicant has submitted traffic analysis in support of the drive-thru facility, and the municipal traffic engineer recommends approval of the application.

On April 23, 2013, the planning board recommended approval of the conditional use.

The conditional use was introduced May 14, 2013, and the public hearing was held May 28, 2013.

Mr. Bendel moved and Mr. Brumfield seconded to approve the conditional use request. The vote was called. The motion carried unanimously.

**CONSIDERATION OF FINAL APPROVAL FOR PNC BANK
VIRGINIA MANOR SHOPS LAND DEVELOPMENT PLAN**

Ms. Fraasch said at its meeting on Tuesday, April 23, 2013 the Mt. Lebanon Planning Board voted in favor of a motion to recommend final approval for The PNC Bank Virginia Manor Shops land development plan conditioned on the Engineer's review comments in a letter dated April 9, 2013, the Traffic Engineer's review comments in a letter dated April 4, 2013, and approval of the conditional use application for a drive-thru facility. All engineering comments have been satisfied or included in the plan.

Ms. Fraasch moved and Ms. Linfante seconded to grant final approval for PNC Bank Virginia Manor Shops land development plan conditioned on the execution of a development agreement within 90 days. The vote was called. The motion carried unanimously.

**CONSIDERATION OF A LICENSE AGREEMENT
WITH THE PORT AUTHORITY OF ALLEGHENY COUNTY**

Mr. Brumfield said Mt. Lebanon maintains a storm sewer system, part of which is located adjacent to Castle Shannon Boulevard in proximity to the Port Authority's light rail right-of-way, located to the west of Shady Drive East. Mt. Lebanon desires to replace and relocate a section of the storm sewer. Under this agreement, the Port Authority will allow the Municipality to make the improvements and maintain the facility.

Mr. Brumfield moved and Mr. Bendel seconded to authorize the proper municipal officials to execute the license agreement. The vote was called. The motion carried unanimously.

CONSIDERATION OF APPOINTMENTS TO BOARDS AND AUTHORITIES

Ms. Fraasch said recent resignations from municipal volunteer boards have caused vacancies that need to be filled.

Ms. Fraasch moved and Ms. Linfante seconded to appoint:

Robert Thomson, 43 Mt. Lebanon Boulevard, to the Board of Appeals to fill an unexpired term ending March 31, 2015.

Matthew Forrest, 219 Sieaforth Avenue, to the Community Relations Board to fill an unexpired term ending March 31, 2015.

Robert Taylor, 242 Catalpa Place, to the Community Relations Board to fill an unexpired term ending March 31, 2014.

Judy Smydo, 1440 Mohican Drive, to the Library Board to fill an unexpired term ending March 31, 2014.

K. Patrick Fitzgerald, 611 Beverly Road, to the Traffic Board to fill an unexpired term ending March 31, 2014.

The vote was called. The motion carried unanimously.

MANAGER ANNOUNCEMENTS

Mr. Feller stated that prior to tonight's meeting, the commission met in executive session and discussed appointments to advisory boards, labor negotiations, a personnel matter, and two issues with the solicitor. On Monday, June 24, 2013, at 2 p.m., the commission will hold a budget retreat in Room C of the municipal building. The next adjourned meeting of the commission is scheduled for Monday, June 24, 2013, at 8 p.m.

Ms. Fraasch stated that Mt. Lebanon will be hosting the Relay for Life this weekend.

ADJOURNMENT

The meeting adjourned at 9:30 p.m.