

NETWORK DEPOSITION SERVICES

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TRANSCRIPT OF PROCEEDINGS

 SOUTH PARK TOWNSHIP
 Planning Commission MEETING
 IN RE: SLEEPY HOLLOW SUBDIVISION
 TUESDAY, NOVEMBER 25, 2025
 7:01 P.M.
 SOUTH PARK TOWNSHIP
 2675 BROWNSVILLE ROAD
 SOUTH PARK, PA 15129

BEFORE:

MR. BRACKER, CHAIRMAN
 MR. DEVINE
 MS. DEPRETIS
 MS. PAPINCHAK
 MR. MATYGER
 MR. SABLE

ALSO PRESENT:

IRVING S. FIRMAN, SOLICITOR
 CAROLYN E. YAGLE, PLANNING CONSULTANT
 DAN DEISEROTH, ENGINEER
 THOMAS BONIDIE, CODE ENFORCEMENT OFFICER
 LESLIE PETERS, ATTORNEY FOR THE APPLICANT
 REPORTED BY: CAITLYNN SOUBIE,
 PROFESSIONAL COURT REPORTER
 NETWORK DEPOSITION SERVICES
 436 SEVENTH AVENUE, SUITE 710
 KOPPERS BUILDING
 PITTSBURGH, PENNSYLVANIA 15219
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1 P-R-O-C-E-E-D-I-N-G-S
 2 MR. BRACKER: Good evening, everyone. Welcome
 3 to the Township of South Park Planning Commission Meeting
 4 for Tuesday, November 25, 2025. Please rise for the
 5 Pledge of Allegiance.
 6 (Thereupon, the Pledge of Allegiance was said in unison.)
 7 Please be advised the Planning Commission will
 8 make recommendations to the Board of Supervisors regarding
 9 the application being reviewed this evening. This
 10 recommendation will then be reviewed by the Board of
 11 Supervisors for a final decision. The next Board of
 12 Supervisors meeting is scheduled for Monday, December 8,
 13 2025 at 7:00 p.m. in this location.
 14 Any resident who wishes to express a concern
 15 with tonight's recommendations are encouraged to attend
 16 the Board of Supervisors meeting. Additionally, the
 17 Township of South Park records all public meetings.
 18 Township residents who wish to speak this evening, please
 19 sign in at the podium and please speak your name and
 20 address for the public record. Roll call. Russ Bracker?
 21 Here. Rob Devine?
 22 MR. DEVINE: Here.
 23 MR. BRACKER: Mark Depretis?
 24 MR. DEPRETIS: Here.
 25 MR. BRACKER: John Papenchak?

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 2 EXHIBIT MARKED PAGE:
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1 MR. PAPENCHAK: Here.
 2 MR. BRACKER: Bill Matyger?
 3 MR. MATYGER: Here.
 4 MR. BRACKER: Patrick Sable?
 5 MR. SABLE: Here.
 6 MR. BRACKER: James Wychoff, absent. Dan
 7 Deiseroth, Township Engineer?
 8 MR. DEISEROTH: Here.
 9 MR. BRACKER: Carolyn Yagle, Planning
 10 Consultant?
 11 MS. YAGLE: Here.
 12 MR. BRACKER: Thomas Bonide, Code Enforcement
 13 Officer?
 14 MR. BONIDE: Here.
 15 MR. BRACKER: Irv Firman, Solicitor?
 16 MR. FIRMAN: Here.
 17 MR. BRACKER: Prior to this meeting, we did have
 18 an executive session in which legal matters and legal
 19 advice were discussed. We need a motion to approve the
 20 minutes of the September 24, 2025 Regular Planning
 21 Commission Meeting.
 22 MR. PAPINCHAK: Make a motion to approve.
 23 MR. SABLE: I'll second it.
 24 MR. BRACKER: All those in favor?
 25 (Thereupon, there was a chorus of ayes.)

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1 MR. BRACKER: All those opposed? Motion is
 2 carried. Ladies and gentlemen, welcome once again to the
 3 Planning Commission Meeting. We have one item on our
 4 agenda tonight, that is the Majestic Woods development,
 5 also known as Sleepy Hollow.
 6 For those that have not attended a Planning
 7 Commission meeting or those that have forgotten, we follow
 8 a basic process where the developer will present the
 9 status of the plan. We will then call upon the planning
 10 consultant, our township engineer, code enforcement
 11 officer, to speak with any comments, questions that they
 12 may have. We will then ask the board if they have any
 13 questions or comments, and at that point, we will open it
 14 up for the public for questions and comments from
 15 everyone.
 16 I do ask that as we go through this this evening
 17 that we are respectful, listen to our presentations,
 18 whoever might be speaking. If there's side conversations,
 19 I ask you to please refrain from that just because if you
 20 are having a side conversation, other people around you
 21 may not be able to hear what is being discussed. So with
 22 that in mind, do we have someone here from the developer
 23 to present? Have you signed in?
 24 MR. WETZEL: Somebody wants to take this? Tom,
 25 you --

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1 UNKNOWN SPEAKER: Excuse me. I want to point
 2 out that there are a number of people waiting in the lobby
 3 and they can't quite hear. Is there any way we can turn
 4 the sound up or use your microphones more effectively?
 5 MR. BONIDE: Microphones have been turned up as
 6 far as they can go.
 7 MR. BRACKER: Okay.
 8 MR. BONIDE: I would suggest that everybody
 9 speak directly into the microphones when they're talking.
 10 MR. BRACKER: Okay. Okay. Fair enough. Okay.
 11 So can you please state your name and --
 12 MR. WETZEL: Good evening. My name is Mike
 13 Wetzel. I'm with the firm, Victor Wetzel Associates. I'm
 14 here tonight representing Majestic Woods, LP. And we're
 15 here tonight for the final subdivision plans for Majestic
 16 Woods.
 17 MR. BRACKER: Can you tell us a little bit --
 18 obviously we want to know about the plan, where the
 19 development stands today, what the plans are, but also
 20 maybe you could summarize very quickly what has been
 21 happening for the last year since preliminary approval was
 22 granted. Just a summary because I know there's a lot.
 23 MR. WETZEL: Sure, yes. As we'll show here
 24 tonight, Majestic Woods is still a hundred eight single-
 25 family development with two lots located in the R1 zoning

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1 district and a hundred six located in the R2 zoning
 2 district. The supervisors approved the preliminary plan
 3 back in May 2004. Since that time, we've been kind of
 4 working through discussions with conservation district,
 5 working with our engineers in regard to final plans and
 6 discussions in regard to submittals that we've done with
 7 South Park.
 8 We've had about four or five staff meetings in
 9 regard to our plan review. This is a very detailed plan
 10 in regard to the engineering detail that's here. The plan
 11 set in itself is up a hundred thirty-four pages overall.
 12 Stormwater management reports are hundreds of
 13 pages long. So there's a lot of detail that had to go
 14 into the planning. And with something that, I'll say,
 15 complicated, it takes time to review all the documents to
 16 make sure that we get it down to only a few general third-
 17 party permit items or some just house cleaning items that
 18 are there.
 19 We've constantly been working with the township
 20 staff in regard to our plan submittals. So with that we'd
 21 like to be able to give our presentation of The Majestic
 22 Woods, a hundred eight total single-family units. This is
 23 a use by right, it is not a PRD. So we need to follow the
 24 zoning districts of the R1 zoning district as well as the
 25 R2 zoning district. Is everyone able to hear in the back?

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1 UNKNOWN SPEAKER: Can you hear? Yes.
 2 MR. WETZEL: Okay. What we have here is the
 3 township zoning map located here.
 4 (Thereupon, Exhibit Applicant 1 was marked for
 5 identification.)
 6 MR. WETZEL: We have Stoltz Road located right
 7 through here, Sleepy Hollow Road right along and through
 8 here, and our property area is located along here in red.
 9 As I mentioned, we're in two zoning districts.
 10 This is the R2 zoning area north of Sleepy
 11 Hollow Road. The R1 is south of Sleepy Hollow Road. The
 12 green area that surrounds the site is South Park. That's
 13 maintained by the county within the site.
 14 We also have some of the existing single family
 15 areas off to the west, as well as single families off to
 16 the south area of the property. As we look at the aerial
 17 photo, we'll find that -- we'll do a combination of our
 18 presentation, both engineering drawings as well as
 19 aerials. Some of the engineering drawings are very
 20 technical in nature, so they become very difficult to read
 21 as a presentation. So we'll always work with some aerial
 22 photos, so it makes it easier to be able to see what's
 23 happening in our discussion.
 24 But once again, this aerial photo of the
 25 neighborhood, our property area is located here in yellow.

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1 It's about sixty-three acres in size. Once again, we have
 2 Sleepy Hollow Road right along and through here, the R2
 3 zoning area through here, the R1 zoning down through this
 4 section. The site is mostly wooded throughout the site.
 5 In regard to its size and surrounding, as I
 6 said, some of the neighboring single family off to the
 7 west, single families down to the south. And then we have
 8 the tennis club located through here. And then single
 9 family located just south and west of the site. We do
 10 have one office building that has access onto Sleepy
 11 Hollow Road.
 12 When we look at the topographic map in regard to
 13 the site, really the low point of the site is Sleepy
 14 Hollow Road along through here. It rises in elevation
 15 where the high point is up against South Park through
 16 here. And then also it rises in elevation as it goes up
 17 to Old Post Road. We do have a drainage way that occurs
 18 right along through here and a little drainage way along
 19 through this area.
 20 And the two color codes that you see here, the
 21 white is slopes between zero and twenty-five percent. And
 22 then the red is more slopes between greater than twenty-
 23 five percent. So we really have the majority of our site
 24 in slopes less than twenty percent overall. This is the
 25 final subdivision plan, almost identical in regard to the

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1 preliminary plan that was approved back in May of 2024.
 2 We have the road improvements that we'll go over
 3 later on for Sleepy Hollow Road, our access point that
 4 will lead up, drop off to a loop road, cul de sac located
 5 along through this section, and another road through this
 6 portion of the site. And once again, we have detention
 7 facilities located here, one located in this section. In
 8 the R1, we have two estate lots. We'll have one driveway
 9 that will come up to serve both these lots through here.
 10 The green area represents open space within the
 11 plan. There's about twelve point three acres of open
 12 space. Under any use by right subdivision open space is
 13 not a requirement within the plan. We could very easily
 14 just extend these lot lines and include those.
 15 But through the slope map that we showed, we
 16 have existing trees and some of the steeper slopes that
 17 occur over through here and over in this section, so we
 18 wanted to protect those and leave those in open space.
 19 We'd really be looking at doing this project in four
 20 phases as part of the development. As part of our
 21 presentation goes, we'll show as our phase one is the
 22 improvements along Sleepy Hollow Road, this area through
 23 here for phase one and the two estate lots for a total of
 24 twenty-eight lots, as well as the open space within the
 25 plan.

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1 We'll also, within this particular phase, do all
 2 the site grading for the whole entire project through this
 3 section. So that's phase one. Phase two is the
 4 continuation of the road up to include the lots off to the
 5 left and then the cul de sac street and then the
 6 additional open space located in these two portions of the
 7 site. Phase three, forty-seven lots here at the loop road
 8 at the top of the site. And phase four is five lots right
 9 along Sleepy Hollow Road.
 10 So really a four-phase development within the
 11 plan. Once again, the lot layouts and road layouts are
 12 identical to the approved preliminary plans from 2024.
 13 Once again, we have two zoning districts. This is the R2
 14 zoning district requirements throughout here.
 15 All -- as we went through our preliminary plan,
 16 all Majestic Woods meets all the zoning requirements by
 17 use by right within the project, so they comply with all
 18 the zoning requirements of the R2. We are also not asking
 19 for any modifications or variances with this plan. So
 20 we're meeting all the zoning requirements for the R2. And
 21 then these are the R1 zoning requirements.
 22 We also meet all those requirements. We comply
 23 to all the zoning regulations for the R1, for the two
 24 state lots. And once again for the R1, we're not asking
 25 for any modifications or variances within the plan. Now

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1 early, a lot of the presentation is to talk about the
 2 Sleepy Hollow Road improvements Exhibits that we have
 3 through here.
 4 It's really, once again, as I mentioned,
 5 Majestic Woods plan is identical to what you saw a year
 6 and a half ago. But a lot of the engineering also work
 7 went into this Sleepy Hollow Road Exhibit. This is our
 8 survey of the final subdivision for the entire property.
 9 Once again, our sixty-three acres overlong and through
 10 here.
 11 This was done by our surveyors, Urban Terrain.
 12 And, really, what it does is we -- it highlights Sleepy
 13 Hollow Road, all the survey went all the way out to Stoltz
 14 Road. We have a section through -- right through here, is
 15 a forty-one and a half-foot-wide right-of-way within the
 16 Sleepy Hollow Road. And at that point, all of Sleepy
 17 Hollow road has a thirty-three-foot right-of-way within
 18 the plan.
 19 We look at that detail a little bit closer, you
 20 can see the little jog that takes place right along into
 21 here where we have the forty-one and a half feet and
 22 everything's thirty-three as we continue on within the
 23 plan. We have to be able to work -- any of these
 24 improvements that we're showing on our plans have to work
 25 within these two right-of-way locations. We can't work

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| <p style="text-align: center;">Page 13</p> <p>1 off -- outside of those areas without any easements or 2 permission from the property owners. So all of our 3 improvements are shown within the road right-of-way. 4 When we do get to our property and through here, 5 we expand the thirty-three-foot right-of-way to a fifty- 6 foot right-of-way overall. And then the section where we 7 have half of the road and through here, we expand it half 8 the distance to get from the road center line, twenty-five 9 feet, onto our particular property within the plan. So 10 this is how one of the first scenarios with our survey in 11 regard to detail. Once again, when we use the aerial, it 12 does make it a lot easier when we look at the detail of 13 Sleepy Hollow Road through here. 14 At this point, right along in the intersection, 15 this has been previously paved all the way to this point 16 through here. And then this section through here becomes 17 more of a gravel and broken asphalt area all the way down 18 Sleepy Hollow Road. You can see, once again, the right- 19 of-way difference between the forty-one and a half feet 20 and the thirty-three through this section. We do have the 21 utility pole that's located at the intersection with 22 Stoltz Road. 23 There's been a lot of talk in regard to the -- 24 in the preliminary plan about that pole. With our new 25 plan layout, you'll see this a little bit later, we are</p> | <p style="text-align: center;">Page 15</p> <p>1 This is the engineering detail. This is also 2 the engineering detail in regard to the pavement 3 improvements to take place on Sleepy Hollow Road from 4 Schultz Road to this point here. This is where the 5 existing paving area ends. That road area is about -- 6 anywhere between twenty to twenty-one feet wide. 7 We'll need to widen that road to a twenty-four- 8 foot cartway and add a two-inch wearing course on top. 9 Beyond this point and through here to the property line, 10 we'll build a full township road that will be twenty-four 11 feet wide but no curves associated with it. So it'll be 12 really full paving depth from base of stone all the way to 13 the top wearing course by following your standard detail. 14 And then when it's in our development plan in itself, it 15 will be a twenty-four-foot cartway, plus eighteen-foot 16 curbs within the plan. 17 So that's really the engineering detail of the 18 plan. And we also show where that wall was located within 19 the property and the utility pole located right there. 20 Once again, taking a look at it from the aerial 21 standpoint, this is the area where it'll be widened by two 22 to three feet and just put in a two-inch wearing course on 23 top. This will be -- and there'll be no curves associated 24 with this. 25 This area will be the twenty-four-foot full</p> |
| <p style="text-align: center;">Page 14</p> <p>1 going to relocate that pole within our development to give 2 it a little bit better entry, turning radiuses, as well as 3 allowing the road to go over the existing culvert. So 4 when we get into what we have the detailed construction 5 plans through here, this is that same area of Sleepy 6 Hollow Road that goes through and has all of the 7 engineering details within the plan. Within this 8 engineering plan, we do show a wall location right along 9 and through here on the high side of Sleepy Hollow Road. 10 This wall height goes anywhere between about six 11 inches to a little over three feet. We've made some 12 revisions to lower the road. All the road -- all the wall 13 improvements will be done within the road right-of-way in 14 itself, not on any of the property owner's property. And 15 it'll be a poured in place concrete wall. And we'll go 16 over that in a little bit more detail. 17 Once again, we have the culvert right along 18 through here -- problems with my -- right and through 19 here. The culvert will not change in regard to its 20 design. It will remain as it is as we change the 21 alignment of the road over to this section and because 22 we're coming at more of a ninety-degree section right 23 where the utility pole is, right where my cursor is, we'll 24 have to relocate that utility pole. This is the road 25 profile that takes place along Sleepy Hollow Road.</p> | <p style="text-align: center;">Page 16</p> <p>1 depth paving through the section. And anything beyond 2 this line will be twenty-four feet plus the curves through 3 that section. You can see right there, that's the utility 4 pole that we'll be relocating. And just as clarity, this 5 will be the typical pavement section where we provide full 6 depth paving but without curbs. 7 This will be all the roads within the 8 development through here, twenty-four foot wide, eighteen- 9 inch curbs, plus their standard profile in regards to 10 building materials on both of them. Now, as I mentioned, 11 we have a proposed wall within the plan. This is where we 12 have a wall located right along and through here. This 13 will be a poured in place concrete wall. 14 It'll be about two hundred ninety-eight feet and 15 it will be anywhere between six inches to about three feet 16 in height along that section. All this work, as I 17 mentioned, will be done in the road right-of-way and no 18 improvements located outside the road right-of-way. We 19 have the culvert that's going to remain and then the 20 relocated pole, utility pole, right along through here. 21 So the area where we're looking at, the wall, I'm standing 22 at the office building area looking over towards the 23 Gildea property and their driveway along three this 24 section. 25 This is really where the wall is going to start</p> |

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| <p>1 at this point and work its way along the road frontage. 2 We'll show you another image a little bit later in regard 3 to how that wall will look. Within our construction 4 plans, we have cross section details throughout the plan. 5 So at each driveway location we have a cross section of 6 the road. 7 Through this section, this happens to be near 8 the front of -- near the front of the property or near the 9 intersection of Schultz and Sleepy Hollow. And with that 10 we'll be meeting the grade at the existing driveway. This 11 is the forty-one and a half foot right-of-way through 12 here. The area highlighted in yellow is the existing 13 paving width. 14 And this is where we are widening the road along 15 through here and meeting the grade at that driveway. As 16 we go further up, at one of the other property owners, 17 through here, this is the existing paving area through 18 here, forty-one and a half foot right-of-way area. This 19 road right-of-way in through here is located about twelve 20 and a half feet beyond the actual existing paving, so it 21 really kind of goes up into the hillside quite a bit with 22 this area. So we'll have our twenty-four-foot cartway, 23 our grading transition through here at the existing 24 driveway and be able to meet grade at that location. 25 This is at Station 400. Just beyond the</p> | <p>1 wall area, no more wall located outside Station 700. 2 We're all meeting grade at this point where the road 3 shifted over, once again, twenty-four feet through this 4 section working with the existing slope over the slope 5 that's there today. And lastly, when you get into our 6 property itself, this is a fifty-foot road right-of-way, 7 our twenty-four-foot cartway, our eighteen-inch curbs, and 8 once again, full paving requirements within that area. So 9 it shows you how we're fitting in the road improvements 10 along Sleepy Hollow Road with this widening. 11 So when we get back now to that same photo 12 through this section, we have the driveway right along 13 through here. We'll be starting that small little wall 14 six to nine inches, and through here it'll gain an 15 elevation up to about three feet. It's kind of a uniform 16 three to three point two feet along this section, through 17 here, tucked into the hillside. There will be no impacts 18 to the existing driveway. 19 With the wall and the grading, there'll be some 20 of the trees removed within the road right-of-way in 21 itself. And once again, this will be a poured in place 22 concrete wall, height anywhere between six inches and 23 about three point two feet, and once again, all work done 24 within the road right-of-way. We get a little bit closer 25 to this section, the separation of the two driveways, we</p> |
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| <p>1 driveway location is where we start to have a beginning of 2 the retaining wall. It's about nine inches at this 3 location. Here's where the existing driveway is located. 4 So we're not impacting any of the grading 5 through here. Once again, the existing paving is located 6 right here in the yellow. And we have from our edge of 7 the existing paving area to the right-of-way area of about 8 eight feet, the work in. We go up to station 500, our 9 wall increases the height a little bit over three feet -- 10 three point two feet. 11 We have our twenty-four-foot cartway located in 12 through here. We're keeping all the grading, once again, 13 the existing right-of-way lines through here. Top of the 14 wall, we will have some two to one grading slopes to 15 adjust. But once again that gradient will meet at the 16 right-of-way line, so no improvements. 17 And really, once again, from the edge of the 18 existing paving to the right-of-way line is about eight -- 19 eight point seven away. We get up to Station 600, our 20 wall is about two point three feet in height located along 21 through here. Once again, the required paving, this area, 22 we're about nine and a half feet from the existing edge of 23 the existing paving to the right-of-way. So plenty of 24 room to work to install this wall at this location. 25 And then really kind of when we get outside the</p> | <p>1 have some existing rock. This will be the edge of the new 2 cartway right about and through here or the right-of-way 3 further back through this section. 4 So we'll be removing some of the rock, adjusting 5 some of the paving in through here, but still providing 6 the necessary grading transitions for each existing 7 driveway. And then that's where the wall starts to get 8 built along this portion of the road. And lastly, as you 9 go down Sleepy Hollow Road, we'll have this -- we'll have 10 the cartway along through here. This will be the edge of 11 the cartway through this portion. 12 This will be all rebuilt twenty-four-foot wide 13 road, no curbs, and then our wall located right along this 14 portion of the right-of-way location. Really, when we get 15 into, now, the final subdivision, as part of the 16 requirements, we had to show how houses would be shown 17 within the properties. We have kind of a typical building 18 plan, driveway plan within the site and how houses would 19 fit on each one. This one doesn't get into the detail of 20 all the easements, but we supplied a drawing that said 21 that between all the rear stormwater easements and 22 sanitary easements that a house can be built on each one 23 of these lots through here. 24 We show that -- how it will be the neighborhood 25 within the plan. The site grading will have existing</p> |

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1 trees located through here, located along through here
 2 along the perimeter over along this portion of the site.
 3 So really, once again, we're here to final subdivision
 4 plans for Majestic Woods. It's consistent with the
 5 approved preliminary plans from May of 2024. Glad to
 6 answer any questions that the board might have after staff
 7 has their comments. Thank you.
 8 MR. BRACKER: Thank you. Miss Yagle, as our
 9 planning consultant, do you have any comments or questions
 10 you would like to ask or share?
 11 MS. YAGLE: Thank you. We've had the opportunity to
 12 review the application and the series of drawings and
 13 going through a number of the questions that we've had
 14 over the time between when the application was made in
 15 July and today's meeting. All of the zoning ordinance
 16 criteria for R1 and R2 are the plan meets those for their
 17 respective size of the road in which the two lots in R1
 18 are identified and then the hundred six lots in R2 are
 19 identified. So in terms of this is a permitted use by
 20 right single family detached dwellings.
 21 And then the lot criteria, the other kinds of
 22 dimensional criteria associated with what would happen on
 23 a lot are all -- have all been illustrated and identified
 24 on the in the plan package and meet the zoning ordinance
 25 requirements. We did also consider that a number of

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1 things that will happen ultimately if this plan is moving
 2 forward that would need -- any as any applicant would need
 3 to do, following other portions of the ordinance such as
 4 yard projections, accessory structures, signs, screening,
 5 and landscaping and sort of the frontage components. So
 6 that's an example of other sections of the ordinance that
 7 will apply.
 8 And based upon the plans presented, the zoning is
 9 something that we can comment that it's carrying forward,
 10 the identical number of lots that were shown within the
 11 approved preliminary package. And then also, almost in
 12 mirror form, are the same location of the lots that were
 13 approved as part of the preliminary package. So we would
 14 be in the position to say, as it meets the township's
 15 adopted zoning ordinance, that it would be something for
 16 this to move forward to the next step, to approval.
 17 MR. BRACKER: Thank you. Mr. Deiseroth, as
 18 township engineer, do you have any comments or questions
 19 you would like to share?
 20 MR. DEISEROTH: Sure. As a part of the review
 21 for final subdivision and land development approval for a
 22 project of this size and detail --
 23 MR. FOSTER: Excuse me, can everybody hear in
 24 the back?
 25 UNKNOWN SPEAKER: No.

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1 MR. FOSTER: You got to go to a microphone.
 2 MR. DEISEROTH: Sure. This, as I was saying,
 3 for a project of this size and scale in terms of final
 4 approval, there has been a large submission of documents
 5 that I've outlined in my letter. Those documents include
 6 land development plans, about seventy-five sheets of land
 7 development plans, fifteen erosion and sedimentation
 8 control plans, thirty-six pages of post-construction
 9 stormwater management plans, a six hundred fifty-five-page
 10 stormwater management report, a hundred sixty-six page
 11 geotechnical report, and significant back and forth
 12 related to those documents. As I've reviewed this plan
 13 several times since August, provided the developer with
 14 comments.
 15 They've come back and forth with comments or
 16 answered my comments and questions, they've revised the
 17 plans. So I just give that as a background to the
 18 Planning Commission that this isn't -- this is an
 19 iterative process where something this complex, there's
 20 always comments, there's always things that need addressed
 21 when you do something of this detail. So as we stand
 22 before you here tonight, we've reviewed all these
 23 documents, we've gotten the plans, as Mr. Wetzel went
 24 over.
 25 We paid particular attention to the work that

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1 had to occur along Sleepy Hollow Road and the details
 2 related to that. There was some iterations of the design
 3 that they came up with. They finally come up with
 4 something that's acceptable, that meets the conditions
 5 that were dictated by the preliminary approval, so I'm
 6 satisfied with that.
 7 The stormwater management plan in its final form
 8 meets the township requirements for stormwater management.
 9 They provided a geotechnical -- a final geotechnical
 10 report that addresses the issue with some of the coal
 11 mines that are located in the area and the grouting that
 12 will be required related to that. So with that all being
 13 said, in my mind, the plan meets the technical
 14 requirements of the South Park Subdivision of Land
 15 Development Ordinance.
 16 And it's here tonight for your consideration of
 17 that. And we can answer any questions. But in particular
 18 there's third party permits that are technically required
 19 that occur, would occur after such approval tonight by the
 20 Planning Commission.
 21 In particular, I want to address the NPDES
 22 permit. An NPDES permit is a National Pollution
 23 Elimination Discharge System permit. It's basically a
 24 clean water permit that is required for a development like
 25 this because erosion and sedimentation control is

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|---|---|
| <p>1 considered pollution -- a pollutant and it has to be 2 addressed.</p> <p>3 So after the township reviews the plan, they 4 have to make application for a federal permit. That 5 federal permit can't be applied for until the local 6 approvals occur. Because at such time that I feel that 7 the stormwater management meets our requirements, I have 8 to provide documentation in the form of a letter that says 9 as our flood plan and stormwater management ordinance has 10 been met by the current plan, or they can't even get in 11 the door to make application for the NPDES permit.</p> <p>12 So I just bring that to your attention because 13 that would be one, not really a condition, it's 14 something -- they can't start the plan without an NPDES 15 permit, but they can't apply for the permit until they 16 work through the process that the township passed. So if 17 that makes any sense, I just wanted to bring that across. 18 Other approvals, they've already obtained sewage approval 19 already for the development. It has sanitary sewer 20 approval.</p> <p>21 And in particular, those are really the main 22 issues. There's other administrative items like signing 23 agreements for stormwater. Also, they have to provide an 24 estimate for the cost estimate for the improvements that 25 they're proposing tonight. Because I always like to point</p> | <p>1 proposed public improvements, particularly the proposed 2 cast in place concrete retaining wall, which will be 3 located within the township right-of-way. The structure 4 will have no impact upon the township maintenance or snow 5 removal. Thank you.</p> <p>6 MR. BRACKER: Thank you. Mr. Firman, did you 7 have any questions or comments you'd like to share at this 8 time?</p> <p>9 MR. FIRMAN: No. The only thing that -- well, I 10 guess, yes. The only thing that I have, of course, is 11 that preliminary approval in this case was granted. So 12 really the only question is if the plan meets the same as 13 the preliminary plan and meets the conditions, then the 14 obligation is to approve the plan. That's the standard of 15 law.</p> <p>16 MR. BRACKER: Does anyone on the Planning 17 Commission have any questions or comments?</p> <p>18 MR. SABLE: I have a question. Mr. Bonidie, 19 from your perspective, has this developer met all the 20 current South Park requirements regarding this project?</p> <p>21 MR. BONIDE: In my perspective, yes.</p> <p>22 MR. SABLE: Mr. Deiseroth, same question, from 23 your perspective, has this developer met all the current 24 requirements of South Park Township for this project?</p> <p>25 MR. DEISEROTH: Yes. They have.</p> |
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| <p>1 out to the Planning Commission, a project of this size, 2 they have to post financial security that guarantees that 3 these improvements are made and they will pay for township 4 inspections to assure that this work goes on according to 5 the plans.</p> <p>6 So there's a whole process that goes through as 7 you move into the construction. Part of this and part of 8 it is initially once they know the plan's approved, they 9 provide an estimate for the improvements, they provide 10 financial security to guarantee those improvements. Then 11 when they're all done, they ask the township to take it 12 over.</p> <p>13 And we went through a whole inspection process 14 on that. So I just want to point out that if it would get 15 to that point, that that's where Darrell would be. And I 16 think that's all I have, unless there's any questions of 17 the Planning Commission.</p> <p>18 MR. BRACKER: Thank you, Dan. Mr. Bonidie, as 19 township code enforcement officer, do you have any 20 questions or comments that you would like to share?</p> <p>21 MR. BONIDIE: I just wanted to share a review 22 letter from Public Works that our office received 23 yesterday. As requested, I reviewed the final submission 24 of the subdivision identified as Majestic Woods. The 25 issues related to the public works, which include all</p> | <p>1 MR. SABLE: Ms. Yagel, same question, from your 2 perspective, has this developer met all the current South 3 Park requirements for this project?</p> <p>4 MS. YAGLE: My perspective is zoning, and the 5 answer is yes.</p> <p>6 MR. SABLE: Thank you.</p> <p>7 MR. PAPINCHAK: Mr. Deiseroth, if you could step 8 back to the microphone for a moment.</p> <p>9 MR. DEISEROTH: Sure.</p> <p>10 MR. PAPINCHAK: Thank you. So when this plan 11 had preliminary approval with the board of supervisors in 12 May of '24, they set forth nine conditions. Could you 13 please review those conditions and give us an update?</p> <p>14 MR. DEISEROTH: Yeah.</p> <p>15 MR. PAPINCHAK: Thank you.</p> <p>16 MR. DEISEROTH: The conditions were, and I don't 17 know them any in the order that they were presented.</p> <p>18 MR. FIRMAN: Would you like a copy of the --</p> <p>19 MR. DEISEROTH: Yeah.</p> <p>20 MR. PAPINCHAK: Thank you.</p> <p>21 MR. DEISEROTH: Okay. So the conditions as 22 outlined in the May 17th letter were that the developer 23 must submit final subdivision construction plans in 24 accordance with the South Park Township Subdivision and 25 Land Development Ordinance. Those plans have been</p> |

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1 submitted. They were first submitted in August. They're
 2 here tonight in their final form.
 3 The developer must provide a final detailed
 4 geotechnical design to address the geotechnical comments
 5 in Gateway Engineers' letter dated April 24, 2024. They
 6 have provided that final report. They've also provided a
 7 plan for grouting of lots in the streets as required.
 8 They've been reviewed by a geotechnical engineer in
 9 addition to myself in our office, so that condition has
 10 been met.
 11 The third condition was the developer must make
 12 improvements to Sleepy Hollow Road depicted on the Victor-
 13 Wetzel plan entitled Overall Preliminary Plan Sheet 200
 14 with revised date of April 30, 2024. This includes, but
 15 is not limited to the full on-site improvements -- on-site
 16 improvement on the development frontage to reconstruct the
 17 road to township standards from the eastern side of the
 18 development, Curtis Drive, to the eastern line of the
 19 Nikoloff property. That condition has been met as
 20 depicted on the plans.
 21 Off-site improvement to reconstruct the road to
 22 the township pavement thickness the standards to a width
 23 of at least twenty-four feet for another five hundred feet
 24 to the west. And yes, that condition has been met by the
 25 plans that have been submitted. The third is off-site

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1 improvement to widen to twenty-four feet and overlay the
 2 remaining portion of the road to the intersection of
 3 Stoltz Road with two inches of wearing course.
 4 That condition has been met by the submission of
 5 the plans tonight. And then off-site improvements to
 6 modify the culverts under Sleepy Hollow Road as necessary
 7 for a twenty-four-foot cartway to extend Stoltz Road. And
 8 I think, as we knew the plan back then, there was not a
 9 final plan on how they were supposed to cross the culvert.
 10 As planned tonight, there will be no modification required
 11 to the culvert to cross the road.
 12 As they've depicted, the alignment has changed.
 13 They're going out into the further as you approach Stoltz
 14 Road on the left, they're going further to that direction
 15 to come across the road or come across the culvert
 16 directly across it. And they're going to require them to
 17 move an existing utility pole to make that happen, so that
 18 condition has been met. The developer is to obtain
 19 planning module approval for six facilities, that
 20 condition, as I mentioned earlier, has been met.
 21 The developer must obtain an NPDES permit for
 22 the development. That's still pending because, as I've
 23 told you earlier, that's a permit, a third-party permit
 24 that requires our approval from the township before that
 25 can occur. And then the developer must -- will delay

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1 timbering activities until a grading permit is issued and
 2 erosion and sedimentation controls are implemented.
 3 They've agreed to that condition and noted that on the
 4 plans.
 5 The developer must obtain approval of fire
 6 hydrant locations. That has already been taken care of.
 7 The developer must submit HOA documents reviewed by the
 8 township solicitor. I believe that's already occurred.
 9 And then fully executed stormwater and developer's
 10 agreements and the posting of financial security for
 11 improvements to develop the site including bonding
 12 conditions for the existing culverts under Sleepy Hollow
 13 Road must be submitted to the township prior to the onset
 14 of construction activities. So that would be included in
 15 the developer's agreement at this meeting.
 16 MR. PAPINCHAK: Thank you.
 17 MR. DEISEROTH: Any questions on that?
 18 MR. PAPINCHAK: No further questions.
 19 MR. BRACKER: Mr. Wetzel, I did have one
 20 question regarding the wall behind Sleepy Hollow.
 21 MR. WETZEL: Yes.
 22 MR. BRACKER: I know in some of the earlier
 23 plans, that wall was higher.
 24 MR. WETZEL: Mm-hmm.
 25 MR. BRACKER: What changed that we are now down

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1 to a three-foot -- three -- three-and-a-half-foot wall?
 2 MR. WETZEL: Yeah. Really, it's just some of
 3 the location of the wall going to a -- also a port.
 4 Previously we were using more of a jumbo block type of
 5 wall that would be built along through there. They're
 6 much thicker in depth. We're now going to a poured
 7 concrete wall.
 8 So it's a much thinner wall thickness, about one
 9 foot three inches -- one foot four inches. So that
 10 reduces some of the grading that took place. And then
 11 once again, we're doing some grading within the -- from
 12 the top of the wall to the existing slope, all within the
 13 road right-of-way.
 14 So I think it becomes a much better plan when we
 15 reduce some of those wall heights. At one point, there
 16 was a section that was about eight feet high. And with
 17 this change in construction method, we were able to reduce
 18 that size.
 19 MR. BRACKER: Thank you. Any other questions on
 20 the board?
 21 MR. PAPINCHAK: Not at this time.
 22 MR. BRACKER: Okay. Ladies and gentlemen, so we
 23 will call on the people. We'll start on the left side
 24 here.
 25 MR. FOSTER: Can we stick to the order that we

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1 signed up to? We've kind of planned our order --

2 MR. BRACKER: Okay. I don't have -- I don't

3 have that, so. I guess that's fine.

4 MR. FIRMAN: Do you want -- is anybody else --

5 has everybody signed up that wants to speak or?

6 MR. MAGER: I didn't sign that.

7 MR. BRACKER: I would ask that when you get up

8 to speak, if someone has already talked about a particular

9 subject, if you have something new to share or to comment

10 upon, great, we'd love to hear that. If it's the same

11 thing again, you could just say, "Hey, I have the same

12 concerns as already stated." So we'd like to have as many

13 people speak tonight as we can, but -- so we'll just start

14 out from there. So, Tim, why don't you come on up? If

15 you could just state your name when you start?

16 MR. FOSTER: Good evening. Tim Foster, 1046

17 Westchester Road. My comments tonight, I'd like to focus

18 on four critical issues, the status of the developer's

19 preliminary approval, the failure of the final plan to

20 meet mandatory compliance review requirements, the

21 extensive missing elements required under our final

22 application ordinance, and the outstanding contingencies

23 from the preliminary approval. All four of these issues

24 lead to one unavoidable conclusion, this application

25 cannot legally move forward tonight.

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1 The first point, preliminary approval has been

2 automatically rescinded under township code. Conditional

3 approval in South Park Township is governed by clear

4 binding language. Under South Park Township Code 118-13E,

5 "The applicant shall submit or reject the conditions

6 attached to the preliminary approval by giving written

7 notice to the township manager within thirty days of the

8 date of the meeting of the Board of Supervisors at which

9 the preliminary approval was granted", in this case, May

10 13, 2024.

11 It further states, "If the applicant fails to

12 give written notice to the township regarding acceptance

13 or rejection of the conditions attached, the preliminary

14 approval within the required thirty days, the preliminary

15 approval shall automatically be rescinded without written

16 notice of the applicant." We reviewed all township

17 documents from March 2024 through November 2025. There is

18 no acceptance letter, none in the record, none of the

19 files.

20 The preliminary approval conditions needed to be

21 accepted in writing within thirty days, and these are the

22 nine contingencies that were attached to the preliminary

23 approval. They needed to be accepted by June 2024. At

24 the May 12, 2025, Board of Supervisors meeting, I directly

25 asked whether there had been any communication with the

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1 developer since the preliminary approval.

2 The official answer on the record was no. The

3 township stated in the minutes that from May 13, 2024, the

4 date of the preliminary approval, to that day, a year

5 later, May 12, 2025, the township office has not received

6 or heard anything further from the developer. As you can

7 see, that's in my attachment A.

8 (Thereupon, Exhibit Foster A was marked for

9 identification.)

10 MR. FOSTER: This confirms that the legally

11 required acceptance letter was never submitted. Under our

12 ordinance, the result is automatic and unavoidable, the

13 preliminary approval shall be automatically be rescinded.

14 This matter is not open to interpretation, it's the law.

15 Can we get any clarification on the acceptance letter?

16 Because it's nowhere in the files. Our ordinance requires

17 it. There's an automatic rescind of the preliminary

18 approval if the acceptance letter is not received. Is

19 there an acceptance letter?

20 MR. BRACKER: Tom, do we have anything?

21 MR. BONIDIE: We don't have an acceptance

22 letter, but we do have continual communication with the

23 developer --

24 MR. FOSTER: Tom --

25 MR. BRACKER: Excuse me.

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1 MR. FOSTER: You guys have the meeting --

2 MR. BRACKER: Excuse me.

3 MR. FOSTER: I just want to just clarify that

4 point. You guys have the meeting minutes. Tom's

5 answers -- and this is -- I've got a video of that that's

6 actually even clearer. But in the minutes itself, it's

7 clear that Tom and the township manager, Karen, said there

8 has not been any communication within a year. And I

9 clarified that a number of different times. I said no

10 emails, no calls, nothing. There's been no communication.

11 You can see it in the meeting minutes, your meeting

12 minutes from the township.

13 MR. FIRMAN: My understanding is there were

14 email communications that showed there was conduct of the

15 applicant that showed that they accepted the conditions --

16 MR. SOBECK: No. I got the emails in a right to

17 know request.

18 MR. FIRMAN: I understand your position --

19 MR. FOSTER: So you're saying there -- an email

20 was withheld from the right to know request, which was --

21 asked for everything?

22 MR. FIRMAN: I don't know --

23 MR. FOSTER: Is that what you're saying, sir,

24 for the record?

25 MR. FIRMAN: No. I'm not saying that.

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1 MR. FOSTER: So you're saying you have an email
 2 dated that shows that they accepted those conditions?
 3 MR. SOBECK: Go get it.
 4 MR. FOSTER: That's what you're saying for the
 5 record?
 6 MR. FIRMAN: Like I said, my understanding is
 7 that's the case, sir.
 8 MR. FOSTER: You actually saw you -- you were
 9 copied on it?
 10 MR. FIRMAN: I would have to go back and look,
 11 that was my understanding.
 12 MR. FOSTER: Was the township copied on it?
 13 MR. FIRMAN: I can only answer the question so
 14 many ways. I understand -- that's my understanding of the
 15 course of events --
 16 MR. FOSTER: No. First my question was were you
 17 copied? Then I asked if the township was copied. That's
 18 a completely different question.
 19 MR. FIRMAN: Copied. I don't recall if I was
 20 copied.
 21 MR. FOSTER: So would you agree if there's no
 22 acceptance letter, we're already in violation of the
 23 ordinance?
 24 MR. FIRMAN: No. I would not agree with that.
 25 I said it's -- I would not agree with that's the legal

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1 interpretation.
 2 MR. FOSTER: So are there some developers and
 3 residents that don't have to follow our ordinances and
 4 others that don't?
 5 MR. FIRMAN: Of course, you have to follow the
 6 ordinances.
 7 MR. FOSTER: Okay. Thank you. Thank you for
 8 that comment. Of course, you need to follow the
 9 ordinances. So if there's no acceptance letter in the
 10 files, one can't be produced, we think we might have one.
 11 It sounds like this whole situation we've been hearing
 12 tonight, so I'll just leave that point.
 13 But as a board, that should be deeply concerning that
 14 this is a required ordinance. All I've been hearing for
 15 the past year is all the ordinances will be met, they're
 16 clearly not. Let me continue. The final application is
 17 incomplete under mandatory compliance review requirements.
 18 South Park Township code section 118-16 outlines
 19 township's compliance review process.
 20 "The ordinance requires all applications deemed to be
 21 complete shall be forwarded for review to the township
 22 engineer, the township planning" commission -- I'm sorry,
 23 "the township planning consultant, the Allegheny County
 24 Economic Development Group, and the Allegheny County
 25 Conservation District and others as appropriate." It also

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1 mandates on the Friday preceding the fourth Wednesday of
 2 each month, the code enforcement officer will submit a
 3 documentation packet for consideration by the Planning
 4 Commission at the next meeting. Now, this was never met
 5 because this information dribbles in at the last moment.
 6 But I'm going to tell you as of this morning, and you can
 7 see on Exhibit B, as of this morning, November 25, 2025,
 8 we have an email correspondence with Matt Gordon, direct
 9 email from Matt Gordon, the director of the Allegheny
 10 County Conservation District.
 11 (Thereupon, Exhibit Foster B was marked for
 12 identification.)
 13 MR. FOSTER: No final plan for this development
 14 has been submitted to their office and no application for
 15 the NPDES. Both confirmed that as -- both confirmed as
 16 not received as of today this morning by the Allegheny
 17 County Conservation District. In addition, that county
 18 agency is owed a full thirty-day review period before this
 19 commission may consider this plan again.
 20 So can we please explain why the Allegheny
 21 County Conservation District did not receive a final copy
 22 of this as required by the ordinances? We have an email
 23 from Matt Gordon saying he never received the email. We
 24 actually had a comment here that you're in communication
 25 with the Allegheny County Conservation District.

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1 That is absolutely news to Matt Gordon because
 2 he's not heard of any of this other than from Jason and
 3 myself, no communication. How does that happen? Why do
 4 these guys stand here before you and tell you something
 5 that's happened and it's not?
 6 And now we're pointing at the ninth hour. I would
 7 love you to reach out to Matt Gordon and have him explain
 8 to you what has and what hasn't happened. I would also
 9 love for him to explain -- and, Dan, you're saying -- if I
 10 could ask you a question. You're saying you can't get --
 11 you can't file for the NPDES report until this group and
 12 the Board of Supervisors votes yes?
 13 You're saying that that's -- because that's what you
 14 said here tonight. They can't get it until there's a yes
 15 vote, so all this stuff is taken care of, because that is
 16 absolutely news. I just want to make sure that's what you
 17 said and that we have it on video. Is that what you meant
 18 to say?
 19 MR. DEISEROTH: Okay. Can I speak now?
 20 MR. FOSTER: Absolutely.
 21 MR. DEISEROTH: I don't know -- I mean, the
 22 developer has his engineer here, so he can stick to this.
 23 But the NPDES permit process runs through the Allegheny
 24 County Conservation District. And what I think I heard
 25 Mr. Foster say was, as deemed appropriate, that things are

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1 submitted. So this plan isn't deemed appropriate to be
 2 submitted, as I explained before, until it goes through
 3 the township ordinances first.

4 The federal permit, they need a letter of
 5 compliance. I can't write a compliance letter until they
 6 run through the process, if that makes sense. So they
 7 really can't get the NPDES permit. And there's several
 8 other plans that I'm aware of that I reviewed in other
 9 communities, people run through the community process
 10 first, and then the NPDES permit follows after that.

11 So there's an extra layer of scrutiny on it. It
 12 takes anywhere from -- well, I'm just explaining the way
 13 it happens. When a plan submitted to this board, we have
 14 up to ninety days to review it, and if it meets our
 15 requirements at that point in time, then we have to make a
 16 decision and either approve it or not approve it. What
 17 happens is when it goes to the -- for the NPDES
 18 application, that can take six months to a year --

19 MR. FOSTER: A year, yes. So before a shovel
 20 can hit the ground or --

21 MR. DEISEROTH: You're completely correct, yes.
 22 And that -- and they -- but again, it's -- the process has
 23 reached the point where you can't get that. In other
 24 words, we have to write them a letter that says that it
 25 complies with our ordinance first. And they can't write

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1 that letter till it runs through this process. That's
 2 all --

3 MR. FOSTER: You're saying you can't write a
 4 letter saying it complies with all the ordinances until
 5 it's approved?

6 MR. DEISEROTH: Well, I need -- I don't think if
 7 the Board of Supervisors would appreciate me writing a
 8 letter on a project until they got to understand it
 9 themselves first. So it has --

10 MR. FOSTER: Even though they put it as a
 11 contingency, they didn't say apply for a permit, they said
 12 obtain a permit.

13 MR. DEISEROTH: Well, the solicitor can speak to
 14 that. I mean a federal permit, everybody has to apply for
 15 federal permits -- or comply with federal permits. Our
 16 ordinances -- and I looked at our ordinance, our ordinance
 17 says that the developer has to comply with state and
 18 federal requirements too. So my point is that no matter
 19 what, that permit is required, nobody can do anything
 20 until that's required.

21 So we have to get through our process first. I
 22 don't feel comfortable writing a letter to give to this
 23 developer until they run through our process. And that's
 24 typically the way it works. So there's a point in time
 25 where we feel comfortable with that. I would feel

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1 comfortable with that now because we've been through five
 2 months of review on the plan. Now I would feel
 3 comfortable with writing that letter.

4 MR. FOSTER: What do you mean now, before they
 5 give approval?

6 MR. DEISEROTH: No. No. I would -- I
 7 technically, I'm ready to write that letter, but I'm
 8 waiting for the township to give its blessing first, if
 9 that makes sense.

10 MR. FOSTER: Thank you. You know, I'm going to
 11 urge the board -- and I've got a couple other items, you
 12 guys need to have a conversation with Matt Trepal, who's
 13 the director of the Allegheny County Economic Development
 14 Group, and Matt Gordon, the director of the Allegheny
 15 County Conservation District, because you're going to get
 16 a completely different story of how things work. Matt
 17 Trepal, he is the Planning Commission for about thirty-six
 18 municipalities, so he does this at maximum speed. He has
 19 never heard of a board even contemplating meeting before
 20 that permit is secured.

21 And that's why, clearly, the Board of
 22 Supervisors -- I'm going to get to that point here. But
 23 clearly the Board of Supervisors put "obtain", they didn't
 24 put apply. Obtain is a very clear word. And that's what
 25 it should be.

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1 Because this development with all the
 2 complexities, there's twelve or so items depending on
 3 whether it's a general permit or an individual permit.
 4 This clearly needs ten of the twelve. So it's going to
 5 require an individual permit, which is a year-long process
 6 at least.

7 There's a thirty-day public comment period. How
 8 in the world -- why in the world would a Planning
 9 Commission or a Board of Supervisors ever approve
 10 something that is a year away, that is going to undergo so
 11 much scrutiny and then so much new detail. It can really
 12 be embarrassing for the township to say, "Wait a minute,
 13 there's all these issues associated with this project, you
 14 approved this a year ago and had no idea of all these
 15 issues?" That's why it's unheard of. I urge somebody,
 16 all of you or a representative, talk to these two people
 17 who do this because these stories you're being told today
 18 make no sense. I'm just -- I'm going to just urge that.

19 MR. DEISEROTH: So can I just make one other
 20 comment related to that? I respect what Mr. Foster is
 21 saying. I just want to make sure that everybody
 22 understands the scrutiny that the county conservation
 23 district make on these plans will not affect the plan as
 24 you're approving it tonight.

25 In other words, their review is strictly related

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1 to erosion and sedimentation control and stormwater
 2 management. So yes, they may require -- they may require
 3 the stormwater, an orifice in a pond to be adjusted, they
 4 may require a ditch to move, but those are temporary
 5 conditions. They won't change the location of the
 6 streets, the location of the sanitary source, the location
 7 of the storm source, all the things that the township
 8 cares about.

9 So I just wanted to provide that clarity to
 10 everyone here. And I mean, I've been in this business for
 11 forty years. Regulations are very complicated. And in
 12 the world today this is -- I represent at least seven
 13 different communities, and everywhere in those communities
 14 an NPDES permit follows local approval. So I'm just,
 15 again, providing that for your information.

16 MR. LAMB: Yeah. I just want to. Tim --
 17 MR. BRACKER: Can you --
 18 MR. LAMB: Yeah. I'm sorry. My name is Bernie
 19 Lamb, I'm representing Dewooster and Associates, the civil
 20 and traffic engineer on the project. We have met with
 21 Matt Gordon, at the conservation district, two different
 22 times. One with the developer and one just with the
 23 technical staff. And so he is aware of the project. I
 24 don't know if maybe he thought it was still called Sleepy
 25 Hollow or whatever. But we have met with him a couple

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1 times already. And they do actually have the checks for
 2 the application already in hand. And we are just
 3 literally waiting to get this approval to make that --
 4 MR. FOSTER: He doesn't have a final plan.
 5 MR. LAMB: We've had two -- yeah. We've had two
 6 pre-applications.
 7 MR. SOBECK: Well, I talk to him every few weeks
 8 so.
 9 MR. LAMB: Yeah. Yeah. We've had two -- we
 10 haven't had one --
 11 MR. FOSTER: Does he have a copy of the final
 12 plan? It's required by our ordinances.
 13 MR. LAMB: We haven't made a submission to him
 14 yet.
 15 MR. FOSTER: Thank you.
 16 MR. LAMB: Because he doesn't want to see one
 17 before it gets approved, it's a waste of time.
 18 MR. FOSTER: You talked to him and he said that?
 19 This is all being recorded, I hope you guys are aware of
 20 that.
 21 MR. LAMB: It is being recorded and you said
 22 that he said that he doesn't know anything about it.
 23 MR. FOSTER: Okay.
 24 MR. LAMB: I'm going to call him tomorrow and --
 25 MR. FOSTER: Please do that.

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1 MR. LAMB: -- and let you know that he does know
 2 about this project because we've met with him twice on
 3 that.
 4 MR. FOSTER: Yep. And I hope the board can do
 5 that too because you are going to get a completely
 6 different story from what you're being told here today.
 7 It's unbelievable. Point number three, Extensive missing
 8 and deferred items under final application requirements.
 9 Beyond missing agency reviews, the application also fails
 10 to comply with South Park Township Code 118-15 governing
 11 final application content.
 12 (Thereupon, Exhibit Foster C was marked for
 13 identification.)
 14 This section requires detailed final plan
 15 submissions, including plan information, construction
 16 plans, development plan information, certificates,
 17 notifications, and other mandatory reports. Many of these
 18 required items are still missing, deferred, or unverified.
 19 An application in this condition cannot legally be
 20 considered for final approval until every deficiency is
 21 addressed.
 22 The attached list outlines more than fifty
 23 required items, many still incomplete. Gateway
 24 Engineering letter dated November 21, 2025 further
 25 confirmed that the final application is not complete under

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1 the ordinances. A question you must consider is when
 2 comparing the October Gateway letter versus the November
 3 Gateway letter, why many of the October concerns that were
 4 expressed in that October letter were never documented as
 5 resolved, they just vanished, they're gone from the
 6 November letter. I have never seen anything like that.
 7 Where's completed, where's satisfied? Nothing.
 8 They just went away, they went away. Township
 9 compliance -- the November letter, these are obviously
 10 required items according to the ordinances. If they were
 11 such a concern, they should not go away and they won't and
 12 they should not be ignored.
 13 These items need to show as resolved if we were to
 14 ever trust this engineering report by our paid township
 15 advisor, Gateway. Dan, I just -- if I could just get
 16 clarification from you on the record. This is our
 17 ordinances, 118-15. So there's fifty-some items in there.
 18 Are you saying for the record tonight that to your
 19 satisfaction all of those items are complete and
 20 documented?
 21 MR. DEISEROTH: Sure. Would you like to go
 22 through them all?
 23 MR. FOSTER: No. If you want to say that
 24 they're complete and documented because all of a sudden
 25 they weren't on your November letter, but they were never

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1 listed as completed.

2 MR. DEISEROTH: I might as well stay up here.

3 When we work through different iterations of reviews, if a

4 comment has been addressed, we typically take it off

5 because it's been addressed. So the comments didn't

6 vanish, they were addressed.

7 I'm glad to document it further if Mr.

8 Foster -- I can give the township a report on whether from

9 one review to the next that it's been addressed. That's

10 just the semantics of the way it occurred. I don't want

11 anybody to think that there was anything that vanished. I

12 mean, that's why we had five different iterations of this

13 plan that we went through it and as we work through it,

14 the comments come off, and that's typically the way I do

15 it. So that's just an explanation.

16 MR. WETZEL: With that said, for every time

17 we've had a review and a comment letter from both Gateway

18 Engineers and EPD as part of our next middle to beginning

19 of the month, we always supply a response letter to say

20 how that item was addressed. If it's addressed, as Mr.

21 Deiseroth mentioned, it's not -- it's removed from his

22 comment letter. So we always give a response in regard to

23 the traffic engineering comments, planning comments, civil

24 comments, as well as we provided responses to the

25 Allegheny County, so.

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1 MR. FOSTER: I hope that doesn't make sense to

2 the board because if you're looking at an October letter

3 that has a laundry list of items that is missing, then all

4 of a sudden you look at a November letter, you are

5 supposed to assume as a board and we're supposed to assume

6 as a township that they got completed. I mean, you know,

7 I would strongly recommend, again, tabling this until you

8 get a full list of all those documents that have been

9 completed. Because I think right now they're going to be

10 scrambling to complete that, based on what I'm hearing

11 tonight, that's unheard of.

12 If you have them listed, you carry them forward

13 and check submitted on them, check completed, not

14 disappear on the list. Item four, an additional legal

15 barrier, nine unmet contingencies attached to the

16 preliminary approval. Lastly, we must address the nine

17 contingencies attached to the Board of Supervisors' May

18 12, 2024 conditional approval.

19 In particular, item number five, "The developer

20 must obtain the NPDES permit." Please note, it does not

21 say "apply," it does not say, "intend to get." It

22 requires a developer to obtain the permit fully in hand.

23 How else can obtain be defined? If you -- I have it as

24 Exhibit D.

25 (Thereupon, Exhibit Foster D was marked for

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1 identification.)

2 MR. FOSTER: This is not a technicality, it is a

3 mandatory condition of the preliminary approval that

4 remains unmet. Pennsylvania case law is crystal clear on

5 this. In Lyons Borough vs Township of Maxatown from

6 2015, the Pennsylvania Commonwealth Court, the appellate

7 court, ruled that under the municipality's planning code,

8 final approval cannot be granted until all conditions

9 attached to the preliminary approval are satisfied.

10 Because the conditions in that case remain

11 pending, the court held that approving the final plan was

12 premature, improper, and a violation of the SALDO. The

13 ruling is significant because it reaffirms that while

14 municipalities may impose conditions at the preliminary

15 stage, they cannot carry unsatisfied conditions forward

16 into final approval. Doing so undermines statutory

17 planning safeguards and violates the purpose and structure

18 of the municipality planning code.

19 In simple terms, final approval must wait until

20 every preliminary condition is fully met, not partially,

21 not eventually, but fully. This is binding appellate law

22 in Pennsylvania. And I'm sorry, I just have one more

23 item. Once again, we have quite a number of conclusive

24 reasons why this matter is premature before the Planning

25 Commission tonight. Under both the township ordinances

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1 and the commonwealth court precedent, the Planning

2 Commission must find that this final application is not

3 proper, not complete, and not eligible for consideration.

4 Thank you.

5 MR. BRACKER: Thank you, Mr. Foster. Diane.

6 MS. FOSTER: Good evening. My name is Diane

7 Foster, F-O-S-T-E-R. I'm at 1046 Westchester Road.

8 Members of the Planning Commission, tonight I'm asking you

9 to protect something that has existed in South Park for

10 more than a century.

11 Long before subdivisions, zoning codes, or even

12 automobiles, Sleepy Hollow road is and always has been the

13 only safe access horses and riders have to the county park

14 trail system. This is not an opinion. It is documented,

15 lawful pre-existing, non-conforming use, a

16 constitutionally protected property right under

17 Pennsylvania law.

18 And tonight that right is in jeopardy.

19 Pennsylvania courts have been clear, a lawful non-

20 conforming use is a vested right that cannot be removed or

21 made impossible by new development. It runs with the

22 land, it survives ownership changes and modern upgrades.

23 Municipalities have affirmative duty to recognize and

24 accommodate the use when reviewing development.

25 In 2024 the Commonwealth Appellate court

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1 reaffirmed this. Zoning bodies must make factual findings
 2 and require accommodations when a protected use exists.
 3 Ignoring it is not allowed legally or procedurally. This
 4 equestrian use is not a hobby, it is a protected use of
 5 land, and the township is legally required to safeguard
 6 it.
 7 Sleepy Hollow Road is narrow and physically
 8 constrained. Everyone seems to acknowledge it cannot be
 9 widened enough to support both the heavy traffic
 10 subdivision from the subdivision and the historic horse
 11 traffic. But those physical limitations do not erase the
 12 protected use.
 13 They do the opposite, they make accommodations
 14 mandatory. If the developer selects land with steep
 15 slopes, stream banks, and a century old protected use,
 16 that does not excuse them from compliance. It means they
 17 must design around the constraints, not eliminate what
 18 already exists.
 19 Required accommodations may include a separate
 20 vital path or shoulder, a dedicated horse lane built into
 21 the upgrade, a safe engineered equestrian route over the
 22 bridge. These aren't nice extras, these are legally
 23 required when a protected use would be otherwise
 24 extinguished. Saying there's no space or it's just too
 25 expensive is not a legal justification to eliminate a non-

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1 conforming use.
 2 If this plan, as designed, cannot preserve the
 3 protected equestrian access, then the issue is with the
 4 plan, not with the riders, not with the township, and not
 5 with history. Approving a plan that knowingly wipes out a
 6 protected use exposes our township to legal challenges,
 7 zoning appeals, ager claims, and lawsuits from the
 8 Pennsylvania Attorney General. This is all avoidable, but
 9 only if the commission requires compliance now before
 10 final approval.
 11 Horses have used this road for more than a
 12 hundred years. Families in this township have watched
 13 this for generations. It's a part of our identity, our
 14 history, and our community character. These riders are
 15 not newcomers and they're not trespassers.
 16 They are the original users of this corridor and
 17 they have never abandoned it. Eliminating this use is not
 18 only unlawful, it erases a living piece of South Park's
 19 heritage. Tonight, I'm asking you to do what the law and
 20 basic fairness requires.
 21 Do not grant final approval to any plan that
 22 eliminates or endangers the protected equestrian use of
 23 Sleepy Hollow Road. Require as a condition of approval a
 24 safe engineered accommodation for equestrian passage, a
 25 dedicated lane or bridle path, including safe bridge

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1 access. A clear written finding of fact acknowledging the
 2 protected non-conforming use.
 3 If the developer cannot design a plan that
 4 protects the existing right, then the density, layout, or
 5 even the concept must change. That is not the township's
 6 failure, it is simply the reality of developing
 7 constrained land. Sleepy Hollow Road is more than
 8 pavement, it is a century of documented lawful use.
 9 And the township has a legal duty to preserve
 10 it. Please do not approve a plan that violates state law,
 11 erases historic rights, and exposes this municipality to
 12 avoidable liability and certain litigation. Do the right
 13 thing. Do the lawful thing.
 14 Require a plan that protects what has existed
 15 for generations and must continue to exist under the law.
 16 Thank you for your time. I know how you guys feel, how
 17 our citizens feel, because the last time the Board of
 18 Supervisors didn't listen to us. And you know what? They
 19 didn't listen to you guys either.
 20 MR. BRACKER: Jason?
 21 MR. SOBECK: Yes. I have some documents for you
 22 guys. My name is Jason Sobeck. I'm a resident of South
 23 Park Township at 1750 Stoltz Road.
 24 Tonight you are being asked to vote on two
 25 questions. One, whether the developer's final application

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1 should be accepted as complete, and two, whether or not to
 2 recommend approval to the Board of Supervisors. I urge
 3 you to vote no on both counts, most importantly, to refuse
 4 to accept this application as complete.
 5 This is not a close call. South Park Township
 6 SALDO, in the Pennsylvania Municipality's Planning Code,
 7 your duty is to protect the public health, safety,
 8 welfare, and to recommend approval only where a complete,
 9 compliant, and safe record exists. Where critical
 10 prerequisites are missing, you must find the application
 11 incomplete and recommend denial.
 12 Last year you looked at Majestic Woods and you
 13 voted not to recommend it. You did that because you saw
 14 unresolved safety risks and missing requirements. The
 15 fact that the supervisors overrode your recommendation
 16 doesn't make your judgment irrelevant, it makes it more
 17 important.
 18 Your vote is a formal part of the land use
 19 record. It is one of the protections residents have when
 20 a plan is unsafe or incomplete. Tonight you have a
 21 gatekeeping rule.
 22 If this final submission is missing mandatory
 23 steps, missing outside agency review, or resting on
 24 invalid preliminary approval, SALDO says you should find
 25 it incomplete. That stops the deemed approval clock and

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1 prevents the township from being backed into approval by
 2 default. Please use your authority tonight. And I want
 3 to add that one community reality that underscores how
 4 much that authority matters.

5 After the supervisors declined to follow your
 6 2024 recommendation, residents mobilized at a level this
 7 township rarely sees. A referendum to expand the Board of
 8 Supervisors from three to five members passed in all
 9 thirteen voting districts and the only incumbent on the
 10 ballot was defeated in the primary. I'm not saying this
 11 to be political or to pressure anybody.

12 I'm saying this because it reflects the depth of
 13 the public concern and the level of trust that residents
 14 place in this Commission to apply the SALDO faithfully.
 15 People are paying attention and they are relying on you to
 16 make careful, safety based, ordinance driven decisions
 17 that the record supports. Your own record, when you
 18 reviewed preliminary plan on April 24th of 2024, most of
 19 you voted not to recommend approval, all but one.

20 Your on-the-record reasons remain not only
 21 unresolved, but in many cases aggravated because this is
 22 the final stage. We kept hearing, "Oh, this will all be
 23 addressed in the final approval." "Oh, this is just
 24 preliminary approval. This will be addressed in final
 25 approval." This is final approval.

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1 Commissioner Papinchak cited unsuitable soils,
 2 moderate mine subsidence and risks requiring expert
 3 geotechnical oversight, unresolved neighbor stormwater
 4 impacts during construction, lack of planning for
 5 equestrian traffic on Sleepy Hollow Road, unsafe school
 6 bus access, and the need for significant off-site work,
 7 relocation of the utility pole, culvert bridge widening,
 8 which hasn't been mentioned tonight. Nobody's been
 9 talking about the culvert of the bridge. The developer
 10 just kind of glossed over it. It's an old culvert, it's
 11 end of useful length.

12 We don't know the weight limit, there's no
 13 PennDOT inspection reports. And bringing Sleepy Hollow
 14 Road up to code, Commissioner Devine adopted Allegheny
 15 County Economic Development's findings on unsafe geometry
 16 insufficient at the Stoltz Sleepy Hollow Bridge
 17 intersection and the obstructing telephone pole,
 18 emphasized this is the sole access point and noted that
 19 the developer declined the additional safety improvements
 20 requested. Chair Russ Bracker changed from leaning to
 21 recommend to not recommend strictly on safety.

22 A single access over a culvert creates an
 23 unacceptable risk if blocked by flood, storm damage, or a
 24 fallen tree, potentially preventing emergency response for
 25 more than a hundred homes. Commissioner Waychoff is not

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1 present tonight, emphasized that the developer refused to
 2 cooperate on external safety fixes and the township should
 3 not bear the economic or legal burden of off-site
 4 improvements required only because of this project and
 5 that as a recommending body, you must listen to residents
 6 where serious public safety concerns are present.

7 Commissioner Depretis concluded that the final plan failed
 8 to accommodate the area's unique equestrian activity,
 9 nearby stables, creating hazards for horses, pedestrians,
 10 and motorists on Stoltz and Sleepy Hollow Road without
 11 dedicated measures.

12 Those reasons were decisive then and they're
 13 decisive now. Before you reach any engineering merits,
 14 SALDO requires you to determine whether the application is
 15 complete. Two independent procedural failures compel a no
 16 vote on completeness.

17 I won't repeat everything Tim said, but SALDO
 18 section 118-13 he provides, "The applicant shall accept or
 19 reject the conditions in writing within thirty days.
 20 Failure to accept those conditions shall automatically
 21 rescind the approval without written notice." I am the
 22 one that stands filing right to know requests. Tim and I
 23 have come down and looked through boxes of documents. We
 24 have looked through everything. In Exhibit A, you not
 25 only have that ordinance, but you also have Karen's letter

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1 to the developer.
 2 (Thereupon, Exhibit Sobeck A was marked for
 3 identification.)

4 MR. SOBECK: On May 17th of 2024, the developer
 5 had thirty days from the date of that letter that Karen
 6 sent with the conditions or contingencies of preliminary
 7 approval to accept them in writing. The developer did not
 8 accept them in writing. The SALDO is very clear, very
 9 clearly written, preliminary approval is rescinded.
 10 Second, again, ACCD, failure to forward to ACCD. So
 11 that's Exhibit B.

12 (Thereupon, Exhibit Sobeck B was marked for
 13 identification.)

14 MR. SOBECK: That's that language. The
 15 application was not forwarded to ACCD. I have been been
 16 in frequent contact with Matt Gordon who's regulatory
 17 director at Allegheny County Conservation District. If
 18 you look at Exhibit C, you will see an email from him.
 19 (Thereupon, Exhibit Sobeck C was marked for
 20 identification.)

21 MR. SOBECK: Two pages but the one email, one
 22 from Friday, he hadn't received anything. He had not
 23 received the final application as required by the SALDO
 24 and the developer has not even applied for the NPDES
 25 permit. I've had phone conversations with Matt Gordon,

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1 regulatory director at ACCD and I've been emailing him,
 2 he's probably sick of me, because this gets on -- comes on
 3 the agenda, then it's canceled, on the agenda, then
 4 canceled.
 5 So I've been following up with him like crazy.
 6 And he said that he has -- they had well over a year ago
 7 had a pre-application meeting. At that time the developer
 8 was planning on applying for a general NPDES permit which
 9 is essentially a rubber stamp.
 10 The site -- specific site conditions required
 11 individual NPDES permit, which is much more stringent, and
 12 that could change the plan significantly. They haven't
 13 even applied for it. So again, conditions of preliminary
 14 approval, what Dan's saying about, "Oh, we can't until I
 15 write my letter."
 16 Well, write your letter. I'm sure that Matt
 17 Gordon, he would have told me -- Matt Gordon would have
 18 told me, "Jason, they can't apply for it until we get this
 19 letter. Stop bothering me every other week." I literally
 20 drive the guy nuts.
 21 So again, as of this morning, Matt Gordon
 22 confirmed that the developer has not even applied or
 23 submitted the application for the NPDES permit, which was
 24 a condition -- obtaining it was a condition of preliminary
 25 approval. Groundwater proximity to Sleepy Hollow Run,

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1 there are many reasons where an individual permit is
 2 almost certainly required. Individual permits routinely
 3 result in substantive design changes to grading, PCSM
 4 basins, outlets, and discharge locations.
 5 Proceeding to final approval before the NPDES
 6 application is even submitted means approving a moving
 7 target. The final plans before you are not actually final
 8 until -- the township would be delegating core stormwater
 9 design decision to DEP and ACCD with no chance to revisit
 10 them under the SALDO. PCSM Basins in storm sewer systems
 11 also depend on stable subgrade conditions and predictable
 12 settlement.
 13 In the absence of mine subsidence and settlement
 14 analysis, basin sizing, pipe slopes, and outlet structures
 15 are not defensible. Runoff during construction and
 16 from -- runoff during construction and from steep fill
 17 slopes remains inadequately addressed, placing adjoining
 18 properties at real flood and erosion risk. Until a NPDES
 19 application is submitted reviewed by ACCD and DEP
 20 integrated into a stable geotechnical design, the
 21 application cannot be deemed as complete and cannot
 22 lawfully be recommended for final approval.
 23 Again, Exhibit C, email exchange between me and Matt
 24 Gordon. SALDO Section 118.4 states that, "Subdivision
 25 regulations are intended to promote and protect and

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1 facilitate the public health, safety, and general welfare,
 2 transportation, police protection, disaster evacuation,
 3 and to prevent danger and congestion in travel and
 4 transportation and loss of health, life, or property from
 5 fire, panic, or other dangers. The MPC similarly
 6 authorizes municipalities to regulate subdivisions for
 7 health, safety, and welfare and to deny applications that
 8 fail to comply with local ordinances or that place
 9 residents at risk. Your advisory role does not reduce the
 10 this duty, it heightens it.
 11 Because your recommendation helps form the record,
 12 the board must rely on it, and it's going to be a new
 13 board. Even if the application were procedurally
 14 complete, and it is not, the record still fails on safety
 15 compliance and technical sufficiency. This is a big one,
 16 evidence of withheld fire instruct and school bus turning
 17 studies. This email from May 13, 2024, the day the
 18 supervisors voted on preliminary approval, is Exhibit D in
 19 your packet.
 20 (Thereupon, Exhibit Sobeck Exhibit D was marked for
 21 identification.)
 22 MR. SOBECK: I really suggest you take a look at
 23 this. I would like to enter this into the record. An
 24 email thread dated May 13, 2024, the day of the
 25 preliminary approval hearing that is between the

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1 developer, Frank Zocaites, his representative Michael
 2 Wetzel, the traffic engineer from Dewooster Engineering,
 3 and the township engineer that's supposed to represent us,
 4 Mr. Deiseroth at Gateway.
 5 I handed each of you a copy. This email
 6 confirms that the full fire truck and school bus turning
 7 radius movement plans did exist for the Stoltz and Sleepy
 8 Hollow Road intersection and for typical township
 9 intersection and they were ready to be incorporated into
 10 that night's presentation before the Board of Supervisors.
 11 At 11:40 a.m. the traffic engineers sent the turning plans
 12 to Gateway saying they would be incorporated into the
 13 presentation. Four minutes later, at 11:44 a.m., the
 14 developer, Frank Zocaites, replied, "Not approved."
 15 At 12:50 p.m. Mr. Wetzel then wrote the township
 16 engineer that Frank does not want to show the level of
 17 detail of all truck movements at the intersection, but
 18 just to show our original movement plan and that he would
 19 instead state in his presentation that the traffic
 20 consultant had studied the fire truck and school bus
 21 turning movements and determined that the proposed
 22 widening was adequate. He further wrote that Dewooster is
 23 prepared to agree with the these statements if asked by
 24 the township supervisors. Cover up. And Mr. Deiseroth,
 25 who's supposed to represent us and makes money when these

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1 developments are complete, was on that email. They have a
 2 copy of the email, Dan.
 3 MR. DEISEROTH: What did I say --
 4 MR. SOBECK: You didn't say anything, but you
 5 were on it and you didn't say anything to the Board of
 6 Supervisors that night. In plain terms, this document
 7 shows three things, safety critical turning studies
 8 existed, the developer directed that these not be shown to
 9 the Township Supervisors. The team agreed to provide
 10 verbal assurances without safe access without providing
 11 the underlying engineering.
 12 For a subdivision with a single substandard
 13 access route, this is not a minor paperwork issue. It
 14 goes directly to the emergency access for fire truck
 15 trucks and school buses. SALDO and MPC require full,
 16 honest disclosure of engineering related information to --
 17 engineering information related to public safety. When
 18 key studies are withheld and replaced with scripted
 19 assurances that the township engineer cannot perform a
 20 complete review and any prior approval cannot be set to
 21 rest on a full and accurate record.
 22 For tonight's discussion decision, this email is
 23 powerful evidence that the application before you is not
 24 complete, that critical emergency access information has
 25 not been fully disclosed, and you cannot responsibly

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1 recommend final approval until complete, unedited turning
 2 movement analyses are submitted, reviewed, and made a part
 3 of the public record. The Majestic Woods plan remains a
 4 one-way in, one-way out subdivision dependent on a narrow
 5 substandard bridge or culvert at the Sleepy Hollow and
 6 Stolz intersection. This access route is substandard in
 7 width, grade, and shoulder, fails minimum turning radius
 8 and site distance requirements, has an obstructing utility
 9 pole, which apparently they're going to move, but still it
 10 lacks a PennDOT inspection load rating and is nearing end
 11 of life.
 12 There are multiple emails asking for an
 13 inspection report. Dewooster is asking for an inspection
 14 report of the culvert, and he knows it doesn't exist.
 15 When Tim and I came down, there's no inspection report on
 16 that bridge culvert. So if this is approved, we the
 17 taxpayers are going to be left holding the bag when all
 18 these construction vehicles and timbering vehicles go back
 19 and forth across that culvert. It's a disaster.
 20 When the the flooding happened in 2018 and the
 21 cars were floating around down in the trolley stop in,
 22 again, that intersection flooded. The interceptor --
 23 there's a gas line under that culvert, that interceptor
 24 was destroyed and it cost the township hundreds of
 25 thousands of dollars. Every commissioner who voted not to

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1 recommend in April '24 cited the single access as a
 2 central safety defect, and it's still uncorrected. A
 3 subdivision of this scale can not lawfully proceed without
 4 safe, reliable ingress and egress for residents, school
 5 buses, and emergency vehicles.
 6 The township taxpayers will bear this burden.
 7 ACED findings from August 5, 2025 confirmed continued non-
 8 compliance. Allegheny County Economic Development found
 9 that Sleepy Hollow Road right-of-way is only
 10 thirty-three -- approximately thirty-three feet, far below
 11 the fifty-foot standard. The plan shows repaving and
 12 widening to twenty-four foot without detailed profiles.
 13 Widening will require major excavation and heavy
 14 traffic will degrade the road. The bridge is narrow,
 15 functionally part of Stoltz, Sleepy Hollow intersection,
 16 and cannot be widened without full replacement because the
 17 bridge is the sole access and any blockage makes the
 18 entire subdivision inaccessible to emergency vehicles
 19 aside from helicopters. The county findings reinforce
 20 that the access problem is not speculative, it's
 21 documented and unresolved. You probably have the ACED
 22 letter, but it's Exhibit E.
 23 (Thereupon, Exhibit Sobek E was marked for
 24 identification.)
 25 MR. SOBECK: And in Ms. Yagel's letter she

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1 recommended final approval based on a favorable review
 2 from Allegheny County Economic Development. So you're
 3 sitting here telling us that you recommend this? Your
 4 letter specifically said a favorable review from Allegheny
 5 County Economic Development. You did not receive a
 6 favorable review for Allegheny County Economic
 7 Development. In Dan's letter as well, the comments -- the
 8 responses to Allegheny County Economic Development's
 9 comments remain unaddressed.
 10 This is his Friday letter, the Friday before the
 11 Planning Commission meeting, still unaddressed. Under the
 12 geotechnical risks under the SILDO, you cannot recommend
 13 final approval where basic geotechnical safety has not
 14 been demonstrated on the record. ACA's April 2, 2024 and
 15 October 16, 2025 geotechnical reports and follow-up
 16 materials document multiple hazards that are not typical
 17 routine conditions, even for South Park Township,
 18 including medium to high plasticity clays, expansive
 19 soils, carbonaceous shale, and coal seams capable of acid
 20 generation, mine subsidence, and shallow groundwater
 21 approximately seventeen feet.
 22 The record confirms an eight-foot mine void at
 23 B28 beneath the proposed lots 119 and 123. ACA recommends
 24 grouting yet provides no quantitative mine subsidence
 25 model, no sealed grouting designs that I've seen, no

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1 settlement consolidation predictions for thick fills, no
 2 shrink swell evaluation for expansive soils, no global
 3 stability analysis for the overall site, no groundwater
 4 mine interaction analysis affecting PCSM basins,
 5 utilities, or roadways. The October 2025 ACA report keeps
 6 the same basic acid rock warning language but still offers
 7 only generic recommendations.
 8 No site specific testing results, no quantities,
 9 no skilled management plan ties to the final grading or
 10 stormwater design. Changing the wording doesn't remove
 11 the risk, it leaves it unquantified and unmanaged.
 12 Without a quantitative subsidence modeling and engineered
 13 scale mitigation plan, neither the long-term performance
 14 of homes, roads, or utilities, nor the safety of future
 15 residents can be assured. See Exhibit F, Outlining Risks
 16 with excerpts from the developer's own geotechnical
 17 report.
 18 (Thereupon, Exhibit Sobeck F was marked for
 19 identification.)
 20 MR. SOBECK: Under SALDO Section 118-3, 118-4, 118-
 21 12, page eighteen, you cannot recommend final approval
 22 where deep mining, landslide prone soils and other
 23 geologic hazards have been identified when the applicant
 24 has not provided the geologic reporting and quantitative
 25 designs needed to ensure safe streets, fire protection,

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1 and protection against the loss of health, safety, or
 2 property. Dan is not a geotechnical engineer. His
 3 geotechnical engineer should be here giving the risks at
 4 this specific site.
 5 Sleepy Hollow Run and maps wetlands lie immediately
 6 adjacent to the grading limits. Proposed fills and
 7 grading appear to intrude into the protective buffers.
 8 The Record does not evaluate acid mine drainage, nor
 9 contaminant mobilization risks from excavation, grouting,
 10 or disturbance of carbonaceous shale. There are still
 11 impacts to adjoining landowners.
 12 Representative impacts to downhill neighbors remain
 13 unmitigated, including clear cutting two property lines
 14 and steepened fill slopes without adequate lower diversion
 15 ditches sending runoff into the existing yards like Bonnie
 16 Gildea's property. Storm sewers placed along the hill
 17 crest that accelerate downslope flow hazards towards
 18 homes. Construction nuisance and safety impacts including
 19 vibration, heavy equipment, traffic noise without defined
 20 monitoring standards.
 21 There are still unresolved issues with the developers
 22 plan to widen Sleepy Hollow Road, particularly the
 23 proposal to add a retaining wall in front of the Gildea's,
 24 at 1971 Sleepy Hollow Road. Because the road is only
 25 about twenty-two feet wide currently, the developer will

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1 likely need an additional right-of-way from affected
 2 property owners through a recorded subdivision or right-
 3 of-way plan. More space than just the thickness of the
 4 wall is required.
 5 A drainage bench is typically needed at four to six
 6 feet out from the face of the wall. There are also trees
 7 in the wall area whose trunks and roots would have to be
 8 removed in front of Bonnie and Mark's house. In practical
 9 terms, this work cannot be done without acquiring
 10 additional right-of-way. The developer shows the wall,
 11 but they don't show the drainage that's needed behind the
 12 retaining wall. That is Exhibit G, reputation of the
 13 developer.
 14 (Thereupon, Exhibit Sobeck G was marked for
 15 identification.)
 16 MR. SOBECK: Before I close, I want to say one
 17 brief thing about credibility. You will hear other
 18 residents speak about Mr. Zokaites's reputation. I want
 19 to simply read into the record language from a published
 20 federal court decision involving him so that you can weigh
 21 in for yourselves. That is, again, attached to Exhibit G.
 22 The header, he sued Frances Hill who wrote the
 23 letter last year about her experience in the \$6.5 million
 24 jury verdict of which he has yet to pay a dime and he's
 25 paying a penalty fee. He sued her for defamation for

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1 writing that letter to you right here at the meeting last
 2 year. In Lansaw, a case in the United States Bankruptcy
 3 Court for the Western District of Pennsylvania.
 4 The judge wrote as follows about Mr. Zokaites's
 5 conduct, "The post filing conduct of the Defendant [Mr.
 6 Zokaites] ranks with the most egregious the Court has
 7 personally witnessed while on the bench or even reviewed
 8 in its research". "Frank Zokaites clearly knew what he
 9 was doing, believing" "that he was above the law". This
 10 clearly "is a case where a financially capable bully"
 11 "arrogantly attempted to manipulate the system and
 12 intimidate the Debtors so that he could collect rent he
 13 believed he was due even after the bankruptcy was filed."
 14 He's filed bankruptcy also under the LP that
 15 caused damage to the Hill property, and again, hasn't paid
 16 a dime. There's no way that they're going they're going
 17 to clear cut this all, there's no way they're going to do
 18 all four phases. They're going to do phase one, the
 19 township's going to be left screwed and holding the bag.
 20 So see Exhibit G for the federal judge's choice.
 21 I offer this not as my opinion, but as the words
 22 of a federal judge evaluating Mr. Zokaites's behavior in a
 23 reported decision for you to consider alongside everything
 24 else you've heard tonight. For all the above reasons, I
 25 respectfully request the Planning Commission vote not to

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1 accept the final application as complete under the SALDO.
 2 If the application is nonetheless accepted, vote not to
 3 recommend final approval consistent with your April 24,
 4 2024 non-recommendation, require, at minimum, any future
 5 consideration of sealed geotechnical plan with
 6 quantitative mine subsidence modeling and a full roadway
 7 home utility grout design, proof that all required DEP
 8 erosion, sediment, and stormwater permits, including the
 9 NPDES permit, have been submitted to and reviewed by ACCD,
 10 conforming safe access improvements, including the
 11 intersection redesign, and a full bridge replacement, if
 12 necessary, completed or guaranteed prior to reporting it.
 13 In closing, every independent review from your own April
 14 2024 vote, to Allegheny County's safety findings, to ACA's
 15 own geotechnical data shows that Majestic Woods remains
 16 incomplete, unsafe, and non-compliant.

17 Preliminary approval was rescinded by operation
 18 of law. Final plans were never transmitted to ACCD and
 19 the applicant still offers only one unsafe access point
 20 over a deficient culvert. Meanwhile, the record admits an
 21 eight-foot mine void beneath future homes but provides no
 22 subsidence modeling or sealed mitigation design. Tonight
 23 the responsible action is straightforward, vote no on
 24 completeness and vote no on any recommendation for final
 25 approval. Protect the safety of existing and future

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1 residents of South Park Township, uphold the SALDO and the
 2 MPC, and stand by your own record. Thank you.

3 MR. BRACKER: Carolyn, you would like to speak?
 4 MS. YAGLE: Make a comment.
 5 MR. FIRMAN: I think I'm going to have some
 6 things to say as well.
 7 MS. YAGLE: A few moments ago it was identified
 8 some points that I had made. I'd like to ensure as the
 9 review of certain videos from my time in the initial parts
 10 of this meeting. I did give that in terms of zoning that
 11 this was ready to move forward.

12 It is accurate to also say that, as it is with
 13 each of my review letters, that the final plan application
 14 is recommended for the final subdivision plan approval
 15 subject to the favorable review of the township engineer
 16 and the favorable review of Allegheny County. Those are
 17 words that I do include and I continue to include as part
 18 of this process. So from the perspective of zoning and
 19 the criteria within the ordinance, I did identify that
 20 this was ready to move to the next step. Thank you.

21 MR. SOBECK: So are you saying there was a
 22 favorable reviewed by Allegheny County? Because there
 23 wasn't.
 24 MS. YAGLE: No. I did not say that --
 25 MR. PAPINCHAK: No. She did not.

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1 MR. SOBECK: Okay. So then you don't recommend
 2 it because there wasn't a favorable review?
 3 MS. YAGLE: I said the final plan application is
 4 recommended for the final plan -- subdivision plan
 5 approval subject to favorable review of the township
 6 engineer and favorable review of Allegheny County.
 7 MR. SOBECK: Which didn't happen. There was not
 8 a favorable review by Allegheny County.
 9 MR. PAPINCHAK: She's not making a judgment
 10 either way. That's a statement she includes in every one
 11 of her letters to this commission.
 12 MR. FOSTER: Understood. But she's approving --
 13 she's giving her approval from her professional
 14 perspective, is she not --
 15 MR. PAPINCHAK: Of her response to her
 16 responsibilities, that's correct.
 17 MR. BRACKER: Ted?
 18 MR. SOBECK: Hi. Happy Thanksgiving, guys.
 19 Hope you have a good turkey plan. A little bit taller
 20 than it looks. My name is Thaddeus Sobek. I live at 1619
 21 Annette Avenue.
 22 I've been a resident of the township for almost
 23 fifty years and distant relatives have been residents of
 24 the township for over a hundred years, so I'm familiar
 25 with the township. I plan on a very brief summary of

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1 everything and highlight several concerns that I may -- I
 2 have, obviously. My background, I have a degree in civil
 3 engineering from the University of Pittsburgh. I have a
 4 registered professional mining engineer before I retired.
 5 I'm retired now, so a little bit older.
 6 I learned how to -- I started school with the
 7 slide rule, so you know how old I am. The Planning
 8 Commission and the Board of Supervisors as
 9 representatives -- and as Jason has stated, you represent
 10 the residents, you represent the taxpayers. You have an
 11 explicit duty to officiate the safety and economic
 12 wellbeing of the current taxpayers and as well as any
 13 future residents that may move into the township through
 14 any planned developments. Honestly, I'm not against
 15 development, period, but they have to be done properly,
 16 they have to be done within the laws of township, the
 17 county, the state, whatever, and meet the standards.
 18 Unfortunately, I don't see some of the standards being met
 19 here.
 20 Two critical issues that I have outlined and
 21 discussed with Jason and Tim and stuff like that, but I'm
 22 going to keep mine simple because I want to reiterate
 23 because I've gone through a lot of detail. I reviewed the
 24 technical report from ACA. Item 4.4 of the ACA report,
 25 their whole geotech calculation was based on thirty years

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20 (Pages 77 to 80)

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|---|---|
| <p>1 experience. There's no calculation. How can you do a 2 geotechnical analysis without the engineering 3 calculations? 4 I worked for geotechnical engineers. I supervised 5 geotechnical engineers, as far as my forty years 6 experience in the mining business. I was part of a world 7 renowned consultancy that traveled all over the world. 8 There's processes you follow, you just can't go, there's a 9 rule of thumb, we're sticking to it, this is how you do 10 things. 11 So when I read item 4.4 I said, wow, there are actual 12 engineering calculations that determine the potential 13 subsidence and lateral support that's required for the 14 project. Some of the items consideration are the types of 15 rocks. They say bedrock, there's sandstone, there's 16 different types of sandstone, shales, there's different 17 types of shales. The void, the mine void, you have to 18 determine the height of the mine void, that determines 19 lateral support. 20 Also, has mining -- has retreat mining taken place in 21 the process? If there's retreat mining, there's greater 22 probability of subsidence. Has that been considered? Has 23 that been reviewed by mine maps? 24 What has been done from a geotechnical standpoint 25 other than we have thirty years experience? None. None</p> | <p>1 foundations. It's critical, it's been removed. They're 2 deceiving you by words. Slope stability, I won't even get 3 into slope stability. That's a whole other thing. 4 But the problem I have is a hundred percent slopes 5 above the existing properties' gradation and how they will 6 take care of large volumes of precipitation if we have a 7 large storm event before they've had chances. I have not 8 reviewed those documents, I don't even know if they exist. 9 The other issue, the second issue I have, is -- and Jason 10 detailed it in quite some detail. I'm sorry I repeated 11 that, but I consider it an important part of the process. 12 I looked at the turning radius when the telephone pole was 13 there and I made comments early on, actually wrote a 14 letter to South Park News and posted some things on social 15 media because that is a critical concern of mine. 16 Who is going to pay for the bridge enhancement? 17 Who's going to pay for the bridge culvert, bridge 18 widening? It's not going to handle school buses. School 19 buses by state law cannot back up without a spotter. 20 They're not going to turn on Stoltz Road coming 21 northbound and make that turn the way the bridge is 22 positioned. I have a diagram, I have a survey and I did 23 the turning radiuses. I haven't seen any of that 24 documentation. According to the emails provided, Zokaite 25 decided not to show this to you or make them publicly</p> |
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| <p>1 that I could see with any of the reports. So that is a 2 primary concern for the safety and well being of any 3 access you have, utilities, gas lines, homes. And item 4 7.0. reiterates and supports my opinion. 5 The general considerations directly support that are 6 on page twenty. "ACA should review the final building 7 design and grading plans." They haven't reviewed them 8 yet, how can they determine the answer? Page twenty-one, 9 "It is recommended" -- this is a quote per the report. 10 "It is recommended that all construction operations 11 dealing with the earthworks and foundation construction be 12 reviewed by an experienced geotechnical engineer who can 13 evaluate the conditions encountered. The geotechnical 14 engineer didn't write the geotechnical reports. Who wrote 15 it? A geologist, not an engineer. That's why the 16 calculation's missing. 17 Item 6.1.1, an engineer who started out on -- I'm 18 reading -- I'm trying to abbreviate because I know it's 19 been long. The report only states that unsuitable soils 20 or materials have to be removed. If you compare the 21 previous geotech report, they went into detail about acid 22 bearing formations, how they had to be removed. This 23 report is remiss and took that out of the report, why? 24 It's part of the NPDES, it's part of the process of 25 removing acid bearing materials when they build these</p> | <p>1 available. 2 So we can't even begin to comment on those. But 3 those are two considerations. One, safety from the 4 geotechnical standpoint, two, economic considerations 5 that's going to be borne by the taxpayers of the township. 6 Thank you for your attention. Happy Thanksgiving. 7 MR. BRACKER: Mary Amoroso? 8 MS. AMOROSO: Good evening, gentlemen. My name 9 is Mary Amoroso. I live at 1875 Stoltz Road, and I have 10 the stables at 1857 Stoltz Road. I for years was an 11 American Riding Instructor Association trainer and barn 12 manager, certified by the ARIA, which is a nationwide 13 organization dedicated to safe riding. 14 I'm now retired. I used to teach many children 15 to ride, including taking children on ponies down Sleepy 16 Hollow Road for their very first trail ride. I'm also the 17 former Allegheny County director of the Pennsylvania 18 Equine Council. And this young lady took most of my 19 speech on, so I'll be up here very briefly. Thank you. 20 You did it very well, by the way. 21 No one really has mentioned the safety of the 22 horses and riders, and the developer hasn't even brought 23 it up. And this young lady is also very correct that we 24 will need a dedicated horse trail. Sleepy Hollow Road has 25 been used by horses for over a century. Half of that</p> |

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1 century I was using the trails.
 2 Section 3103 of the Motor Vehicle Code states
 3 that every person riding an animal or driving an animal
 4 drawn vehicle upon a roadway shall be granted all of the
 5 rights and shall be subject to all the duties applicable
 6 to the driver. So horsemen have every right to use that
 7 road and we will. We also have to obey the laws, as the
 8 developer should. So dedicated a horse trail would be
 9 needed, but I don't see where he can fit it in on such a
 10 narrow road.
 11 He now has a wall on one side, and looks like we
 12 have a cliff on the other. That's about all I have to say
 13 since it was already said. I do want to mention that
 14 since I've been here and living at South Park past thirty
 15 years, I've noticed a dramatic increase in the coyote,
 16 fox, and hawk population. So when all these Sleepy Hollow
 17 little critters are driven away, they're going to be
 18 coming into people's backyards. Pets and children will be
 19 in danger.
 20 A lot of people here tonight were born here in
 21 South Park, they've lived here their entire lives and
 22 they're very opposed to this development. I chose to live
 23 here in South Park, I came here from Bethel Park. I
 24 originally grew up in the city on Mount Washington, but I
 25 chose to come to South Park because of the majestic woods.

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1 And those majestic woods, that name is an
 2 abomination to be used by this gentleman. The name should
 3 be changed to majestic profits from the former woods if
 4 this goes through. Thank you. Happy Thanksgiving.
 5 MR. BRACKER: Tom Priano?
 6 MR. PRIANO: I'm not as tall as Tim. Good
 7 evening. My name is Tom Priano. I live at 1020 Old Post
 8 Road. My property abuts the Sleepy Hollow property in
 9 question this evening along the southwestern border. To
 10 begin this evening, I have a few questions. First, how
 11 does a request for final approval get added to the
 12 Planning Commission's meeting agenda? That's a non-
 13 rhetorical question. How does that happen? Who submits
 14 the request to put this up for discussion tonight? Is it
 15 the developer, is it the township, is it the enforcement
 16 officer, who does it?
 17 MS. YAGLE: Any applicant coming to the township
 18 for whatever item it may be respective of being heard in
 19 front of Planning Commission makes an application.
 20 MR. PRIANO: So the developer is the one that
 21 made this request?
 22 MS. YAGLE: Or any property owner, whoever it
 23 may be --
 24 MR. PRIANO: Well, no. I'm speaking very
 25 specifically about this, these meetings. So the developer

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1 is the one that has made the request, "Hey, I want to have
 2 this all heard, I'm ready." Is that a correct
 3 understanding?
 4 MS. YAGLE: We received that application from
 5 the township who received it from the applicant.
 6 MR. PRIANO: Okay. Okay. All right. November
 7 26, 2024, the Planning Commission meeting was advertised
 8 in the Park News to include the Majestic Woods subdivision
 9 plan. Why was the Majestic Woods development removed from
 10 that meeting?
 11 MR. BONIDIE: They were not prepared to be at
 12 this meeting -- at the meeting at that time.
 13 MR. PRIANO: Okay. They were not prepared to be
 14 at the meeting. The July 23, 2025 Planning Commission
 15 meeting was advertised to include the Majestic Woods
 16 development. Why was that meeting canceled? I have a
 17 feeling it's the same answer, but --
 18 MR. BONIDIE: It would be the same answer,
 19 correct.
 20 MR. PRIANO: Okay. The August 27th Planning
 21 Commission meeting was also canceled, and it was also
 22 supposed to have the Majestic Woods on there. And I
 23 assume that it was because the developer was not prepared.
 24 MR. BRACKER: I think part of the problem, and
 25 please correct me if I'm wrong, is that the advertising

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1 time frame required by the Park News, we have to -- it has
 2 to be put in.
 3 MR. PRIANO: Sure. It has to be put in ahead of
 4 time. But the developer said, "Hey, I'm ready. I'm
 5 ready. Put me on. I'm ready to go."
 6 MR. DEPRETIS: They were preparing to be ready,
 7 and then something --
 8 MR. PRIANO: So four times he failed to come to
 9 this meeting in preparation?
 10 MR. BONIDIE: Can I interrupt you?
 11 MR. PRIANO: Yes. Absolutely.
 12 MR. BONIDIE: As a courtesy to all the residents
 13 of South Park Township, the township does advertise in the
 14 Park News. Now, the Park News deadline, the time frame
 15 that we have to submit our advertising for the Park News
 16 deadline does not coincide with the deadline that we have
 17 with the developer --
 18 MR. PRIANO: Okay.
 19 MR. BONIDIE: -- to submit their final
 20 application or final documents. But again, we could
 21 forget about advertising in South Park News and turn
 22 advertising in, say, the Post Gazette, and we wouldn't
 23 have those issues.
 24 MR. PRIANO: Okay. Okay. Okay. I guess my
 25 point is that he had to make a request every single time,

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1 because he's not -- there's times different there, aren't
 2 there?
 3 MR. BONIDIE: He did not make those specific
 4 requests.
 5 MR. PRIANO: Okay.
 6 MR. BONIDIE: Each time there was an
 7 advertisement in the Park News, we proactively advertised
 8 anticipating that they will be submitting to come to the
 9 Planning Commission meeting. And after --
 10 MR. PRIANO: But it was not every single month.
 11 MR. BONIDIE: It was not every single month, but
 12 like I said, we anticipated based off of communications,
 13 based off of submittals, and review letters back and
 14 forth. That's just the normal day to day of business, of
 15 the operations of trying to get development approved in
 16 the township. Like I said, we could eliminate all that
 17 headache if we would just stop advertising in the Park
 18 News, we wouldn't have that problem.
 19 MR. PRIANO: Okay. Okay. Is it a fair
 20 statement to say that we have seen a pattern of ill
 21 preparedness by this development -- developer, is that a
 22 fair statement?
 23 UNKNOWN SPEAKER: Yes.
 24 MR. BONIDIE: I think that's incorrect.
 25 MR. PRIANO: You think it is incorrect?

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1 MR. BONIDIE: Yes.
 2 MR. FIRMAN: Sir, you're asking for an
 3 opinion --
 4 MR. PRIANO: Well, I am.
 5 MR. FIRMAN: You already -- that's not a fact.
 6 MR. BONIDIE: You're making the assumption of
 7 multiple submittals from the developer. And I'm trying to
 8 explain to you that that did not happen.
 9 MR. PRIANO: Okay.
 10 MR. BONIDIE: And again, my office is the one
 11 who's in charge of making these advertisements for the
 12 Planning Commission meetings every month, whether one
 13 actually happens or it doesn't happen. Many times you'll
 14 come here to the township building, you'll see a note on
 15 the front door that says, "There will be no Planning
 16 Commission meeting today." Or we have it posted on the
 17 township website or other social media platforms that the
 18 township uses to get information out to the residents.
 19 Again, I'll make this statement again, if we
 20 would stop using the South Park News and just advertise in
 21 the Post Gazette and on the township website, we wouldn't
 22 have these problems, we wouldn't have these issues. There
 23 wouldn't be advertising sent out to the residents for them
 24 to read that, oh, there's going to be a Planning
 25 Commission this month, when the reality is maybe four days

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1 after -- or five days after we sent that advertisement in
 2 to the South Park News, that at that point we realized
 3 there isn't a meeting, and it's not due to a developer.
 4 Whether it's these people here or somebody trying to get a
 5 one-lot subdivision, or it doesn't matter what it is, but
 6 that's the process that our office does.
 7 And that's the process that has been in place
 8 for decades in the township. And I continue to follow
 9 that process, as that's what's been going on. And like I
 10 said, I'm willing to stop advertising in South Park News
 11 tomorrow and eliminate that.
 12 MR. PRIANO: When would you advertise in the
 13 Post Gazette?
 14 MR. BONIDIE: There's two separate advertising
 15 dates, and both advertising dates that do get submitted in
 16 there, along with the Park News, and we don't have these
 17 deadline issues or the overlapping of an advertisement in
 18 the paper that never ends up happening with the Planning
 19 Commission.
 20 MR. PRIANO: But the developer does not say each
 21 month, "Hey, I want to -- I'm going to be ready, I'm going
 22 to be prepared"?
 23 MR. BONIDIE: Now, we reach out to the
 24 developers --
 25 MR. PRIANO: So he gives you an indication that

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1 he will be?
 2 MR. BONIDIE: We do sometimes, and sometimes
 3 they do say, "We're going to try to make it happen." But
 4 other times it just doesn't happen at all. And other
 5 times we advertise in advance without hearing from the
 6 developers in anticipation that they may out of a courtesy
 7 to the residents of the township.
 8 MR. PRIANO: Okay. Based on that information,
 9 I'm going to make an assumption, and I will not ask for
 10 the opinion, but I am going to make an assumption that we
 11 do see a pattern of ill preparedness on the part of this
 12 developer. The developer is supposed to be a professional
 13 in his field, yet these meetings have been canceled
 14 because he's not been able to be adequately prepared.
 15 This developer has had over a year and a half to prepare
 16 his application, plan this development, and meet the Board
 17 of Supervisors' conditions.
 18 And we've seen tonight demonstrated very well
 19 that this doesn't appear to be evident, that these things
 20 have not happened. He continues to fail to do this time
 21 and time again. It's concerning to me that this request
 22 for final approval keeps getting added to the Planning
 23 Commission's meeting agenda and then removed at the last
 24 minute because of lack of preparation.
 25 I am concerned that these -- that this is trying

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1 to be put through. And it sure feels to me like -- I
 2 probably shouldn't say this, but it feels like a toddler
 3 that keeps testing the boundaries to see what he can get
 4 away with. That's what it feels like to us, the citizens.
 5 This is our observation. And I'm saying "our" because it
 6 was just mine until I just said this and everybody behind
 7 me agreed.
 8 If it wasn't -- I'm concerned that as he keeps
 9 making these attempts, if it wasn't for the vigilance of a
 10 few of our citizens sitting directly behind me -- and I
 11 want to thank them. If it wasn't for their vigilance, who
 12 knows what the outcome would be by now. I got off script.
 13 I knew I -- all right.
 14 Some of the mistakes, it seems to me that this
 15 developer keeps making this request for one of two
 16 reasons. He either wants to see if he can ramrod this
 17 unprepared development through under the radar, or he is
 18 naturally so incompetent that he's blissfully unaware of
 19 his severe level of unpreparedness. Some of the mistakes
 20 on the early application are extremely troubling for the a
 21 professional in this industry. Are we in White Oak? Are
 22 we in Bethel Park? No.
 23 Early plans submitted by the developer to the
 24 township for final approval included those two community
 25 names for our township on the paperwork that they

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1 submitted to our people. How does a professional
 2 developer make such a fundamental mistake like that? Who
 3 is checking their work internally? We are South Park
 4 Township.
 5 If these types of mistakes are happening at the
 6 planning level, what is the guarantee that larger mistakes
 7 aren't going to happen once ground is broken? If this
 8 developer can't even get straight where he's going to be
 9 doing the developing, perhaps he should go somewhere else
 10 and leave South Park Township alone. At what point does
 11 our township say enough is enough? This developer is
 12 being irresponsible and he's wasting the township's time
 13 and our resources.
 14 This is not the kind of developer I feel
 15 comfortable doing this level of work in my backyard. And
 16 this is my backyard. My property borders this. Another
 17 concern is a critical safety and financial issue tied
 18 directly to this proposed development, the single narrow
 19 culvert bridge at the Schultz Road entrance, the only
 20 entrance access point for the development and for future
 21 residents.
 22 The corrugated metal and concrete bridge on
 23 Sleepy Hollow Road was constructed in 1999 and has an
 24 estimated lifespan of twenty-five to fifty years,
 25 depending on use and conditions. It was designed to

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1 support a small number of existing homes that we see
 2 currently, light local traffic, and occasional small
 3 business use. It was never engineered for heavy
 4 construction equipment, including industrial trucks or the
 5 daily traffic generated by more than one hundred new
 6 homes. Construction traffic will accelerate structural
 7 failure.
 8 If this development proceeds without
 9 infrastructure upgrades, which it does not sound like
 10 we're getting any infrastructure updates in this, which
 11 the supervisor said that this bridge had to be handled and
 12 it's not being handled. I've lost my place again. Excuse
 13 me. I'm sorry. The township will send an unavoidable
 14 amount of heavy construction machinery, logging trucks,
 15 excavators, cement mixers, all sorts of big heavy machines
 16 over this bridge.
 17 That it has already been discussed, we don't
 18 know the weight limit of this bridge. Who's to say that
 19 they're not going to destroy it as soon as they start
 20 going over it? Common sense and engineering both tell us
 21 what happens next, rapid deterioration, early failure, and
 22 a shortened lifespan. And because the bridge and road
 23 belong to the township, the obligation to repair or
 24 replace them will fall entirely on the South Park
 25 taxpayers, not the developers.

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1 If this bridge fails after the development is
 2 built, the township will face a temporary bridge to
 3 maintain access for hundreds of residents, demolition of
 4 the existing structure, construction of a larger
 5 replacement bridge capable of handling the significantly
 6 increased traffic load. This is not a minor repair, this
 7 is a multi-million dollar project, one that has
 8 unavoidable -- one that becomes unavoidable the moment a
 9 hundred-plus homes rely on that single aging bridge. To
 10 move forward without addressing the single access aging
 11 bridge would be fiscally irresponsible and a clear failure
 12 to safeguard public safety.
 13 This is not an opposition to development, this is a
 14 call for responsible planning. I would urge the township
 15 to require the necessary infrastructure improvements,
 16 including evaluation and reconstruction of the Sleepy
 17 Hollow bridge before recommending final improvement.
 18 We've already seen that this developer protects himself
 19 from making court ordered restitution to property owners
 20 whose property he has damaged by declaring bankruptcy and
 21 dodging his responsibility. Majestic Woods, LP is one
 22 bankruptcy away from riding off into the sunset after
 23 destroying other people's life's investments.
 24 He's done it before, I imagine he'll do it again. So
 25 this brings me to my final question, should this

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1 development receive final approval, what is South Park
 2 Township's plan for protecting both the township and the
 3 neighboring properties from any potential damage from this
 4 developer's negligence and protecting the taxpayers from
 5 having to foot the bill for repairs to infrastructure long
 6 after Majestic Woods, LP ceases to exist? What is the
 7 solution? What protects me? What protects Bonnie?
 8 What protects every single person in here that pays
 9 taxes to this township from that bridge -- after Majestic
 10 Woods has moved on from that bridge needing reconstruction
 11 as a result of what they are going to be doing, what's
 12 going to protect us? I humbly ask you folks to reject
 13 this developer's application for final approval. We need
 14 to stop this irresponsibility right here, right now.
 15 Thank you for your time and consideration.

16 MR. BRACKER: Sharon?
 17 MS. Adams: You stole my speech.
 18 MR. PRIANO: Sorry.
 19 MS. Adams: Good evening. I'm going to turn to
 20 you. I'm Sharon Adams. Thank you for your vote. I'm
 21 your future supervisor. Sorry. Sharon Adams. 6528
 22 Ventura Drive, Pittsburgh 15236.
 23 I appreciate all of you that spoke this evening.
 24 Your research is amazing, your commitment, your diligence.
 25 I am requesting you to postpone this till the new board

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1 gets appointed because we will inherit the consequences of
 2 this development.
 3 I don't know what's going to happen. I can't
 4 guide with, oh well, I hope that doesn't happen. I can't
 5 work like that. I can't knowingly put lives at risk with
 6 that culvert.
 7 Tom, you said everything that was on my paper.
 8 I can't do that as a supervisor. On January 5th I will be
 9 taking an oath to protect and serve all the residents of
 10 this township. It is a responsibility that I do not take
 11 lightly.
 12 And this culvert is not safe. And I am fearful
 13 of what's going to happen. I urge you to think about your
 14 decisions. But I also want you to think about your
 15 grandchildren and be ready to answer them when they ask,
 16 "Hey Pap-pap, why did you alter this? Why did you destroy
 17 this magical place called Sleepy Hollow?" Thank you.

18 MR. BRACKER: Deborah? Deborah Duncan?
 19 UNKNOWN SPEAKER: You guys can stop this, you
 20 know. You can just vote no.
 21 MS. DUNCAN: Oh, come on, my turn.
 22 UNKNOWN SPEAKER: But you know, we wouldn't have
 23 to stay here all night if you just admit that this is a
 24 bad idea.
 25 MS. DUNCAN: I'm Deborah Duncan, 2451 Stewart

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1 Road, South Park. I've probably been in the township
 2 longer than most anybody in the room. I also have very
 3 deep concerns, not only with Sleepy Hollow, based on what
 4 I've heard tonight, but with how our township operates
 5 overall.
 6 I just don't understand how we get to this
 7 meeting with these facts that should have been known and
 8 were not discussed to the supervisors. As a supervisor
 9 coming in, I don't want that happening when we're on that
 10 board. I think full disclosure is the very first thing.
 11 And I think we need to surround ourselves with
 12 people who are going to make sure we have everything we
 13 need to make decisions in the best interest of the
 14 township. So I definitely, I applaud you guys and I am
 15 amazed at what you do and the fact that you stood up the
 16 last time and said no to this recommendation. And I think
 17 if there were five supervisors on the board, there may
 18 have been a different outcome when they voted as well.
 19 And that's all I have to say.
 20 MR. BRACKER: Sarah-Summer Oliphant?
 21 MS. OLIPHANT: Hello, my name is Sarah-Summer
 22 Oliphant. I'm at 3572 Falmouth Drive. I want to start by
 23 saying how grateful I am to Jason and Tim for all of the
 24 work they've put in, have the codes and ordinances to give
 25 the facts that most of us aren't aware of. I am here

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1 tonight to urge this Commission to withhold final approval
 2 for the Sleepy Hollow development.
 3 Honestly, how can you approve what isn't
 4 complete? We heard every detail of the proposed wall, but
 5 there was no plan shared regarding stormwater design,
 6 geotechnical hazards, or mine subsidence. Sleepy Hollow
 7 Road sits above an active subsidence risk. If the ground
 8 gives way, beneath this development will be the township
 9 and taxpayers left to bear the cost.
 10 Beyond the technical issues, let's remember
 11 fifteen thousand residents have signed petitions opposing
 12 this project. You already voted against preliminary
 13 approval. And Allegheny County raised serious concerns
 14 about road width, bridge safety, and emergency access.
 15 Our community has been clear, united, and unwavering.
 16 This development is not right for South Park Township.
 17 Also, what Jason shared about the emails asking
 18 that traffic information be withheld speaks volumes. A
 19 lie by omission is still a lie. If the developer is lying
 20 about that issue, how can we trust anything they say?
 21 Finally, I want to emphasize accountability.
 22 The Board of Supervisors granted conditional
 23 preliminary approval. But under the law, those conditions
 24 had to be accepted in writing within thirty days. No such
 25 acceptance exists. By definition, that means preliminary

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1 approval has expired.
 2 Without valid preliminary approval, this project
 3 should not even be discussed at this point. Board
 4 members, you are the safeguard between this community and
 5 a reckless development that ignores engineering standards,
 6 environmental protections, and the will of the people. Do
 7 not reward an incomplete, unsafe, and non-compliant
 8 application. The only responsible action tonight is deny
 9 final approval. Thank you.
 10 MR. BRACKER: Julia Gunn?
 11 MS. GUNN: Oh, that's me. Hi there. I've
 12 spoken to you guys before. Julia Gunn, 1840 Stoltz Road.
 13 I am right in front of the intersection of Sleepy Hollow,
 14 me and my animals. But what I would like to talk to you
 15 about is more about the stormwater issue. Could you
 16 please put your slide up again with the plan on there,
 17 please?
 18 We're not ready for this plan. And the reason
 19 we're not ready for this plan is because of the Maripat
 20 plan. The Maripat plan sits right below this fifty-nine
 21 acres. And there's no stormwater management there.
 22 So anything that flows -- okay, if you look up
 23 here -- I can stand on the side, right here, this is all
 24 Maripat, okay? So you're going to put some kind of
 25 stormwater here? That is a steep slope, okay? And all

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1 the water from Maripat flows straight down the roads,
 2 right into my property, and curls around.
 3 The water curls around here to come to Sleepy
 4 Hollow, okay? Which is crazy. I don't know why they ever
 5 did that. So there's no stormwater management. There
 6 actually used to be a culvert above Mary Amoroso's place
 7 that kind of stopped all the water or delayed the water
 8 from coming off all the roofs and driveways.
 9 Well, if there's no water management plan there,
 10 how are you going to stop the water when they take down
 11 all the trees? It's just going to come straight down the
 12 hill. And I want to show you an example. You can pass
 13 this down. This is the property, right?
 14 This is part of my property, okay? The Maripat
 15 storm system comes here, okay? Fifty feet down the road,
 16 that is behind my pond, okay? It's a gully, it's a
 17 culvert.
 18 I am the retention pond for that plan. So just
 19 to show you -- and in 2018, I was worried that my farm was
 20 going to float away because the water comes straight
 21 through Mary's property, straight down all those homes, to
 22 behind my house. And you say, well, you know, it's just
 23 my farm, you know, what's the difference? Well, the sewer
 24 system runs through that, okay?
 25 So in 2018 all that water that came down here

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1 blew out the sewer down here, which is why South Park had
 2 to fill a road to repair the sewer. So if you have all
 3 this water coming down the hill that's unrestricted, now
 4 you've got Bethel Park sewer system, you've got South Park
 5 sewer system under there. The stanchion or the pipe that
 6 comes out of the ground is right in that creek right
 7 behind that bridge, okay?
 8 So when all that water comes down through there
 9 and blows through the bridge -- which nobody's even
 10 mentioned the bridge on Stoltz. The bridge on Stoltz,
 11 there's twenty-three inches between you and the white
 12 line. So when I have to walk to my pasture, I've got
 13 twenty-three inches that's safe for me to walk by. And my
 14 horse is bigger than twenty-three inches, okay?
 15 So I take my life in my hands every time I walk
 16 down that road just to go to the pasture. So I don't
 17 think their stormwater management is going to contain the
 18 Maripat plan's water, for one thing. The other thing is,
 19 has nobody ever thought about Bethel Park's elementary
 20 university that they have built just over the hill? So
 21 now you've got eighteen hundred students, eighteen hundred
 22 parents, buses, sixty to seventy buses coming all around
 23 there.
 24 Now, how -- we don't even know the impact of
 25 that yet. So you add another housing plan with deliveries

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1 and cars and people. It just doesn't make sense. So we
 2 are not ready.
 3 So you need -- I have even -- I've submitted
 4 plans to ask Karen if she would apply for flood control
 5 because my property is like the keystone. You need to
 6 control that water in that area, or you're going to blow
 7 up both those bridges. The traffic, they need to do
 8 another traffic study to include the Bethel Park
 9 Elementary School. It's right over the hill.
 10 And their route right now is right down Stoltz
 11 Road, the whole way around, sixty to seventy buses, okay?
 12 So I would -- and the sewer, Bethel's sewer system is on
 13 one side of Sleepy Hollow Road and ours, the South Park
 14 system runs right through the creek. How deep is it? Is
 15 it deep enough to stand the weight of those trucks going
 16 over that road? I don't think so.
 17 But I would like you to postpone any approval of
 18 this until there's a traffic study, until somebody has
 19 talked to PennDOT about the bridge on Stoltz Road, which
 20 is in very, very disrepair. There's always holes opening
 21 on that bridge itself, and there's just so many things
 22 that need to be addressed. And I still have -- I mean, I
 23 have a mine shaft on my property, a ventilation shaft, and
 24 every so many months, they have to come and fill up the
 25 gravel because it's sinking.

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1 It's sinking because the water's coming down the
 2 hill from there, right into that. So sorry for the
 3 rambling. Happy Thanksgiving. And I hope that you are
 4 wise to the intelligence of this group. I mean, I'm
 5 amazed at how many things that this group has found out
 6 that should have been found out by the developers. Thank
 7 you.

8 MR. BRACKER: Bonnie Gildea?

9 MS. GILDEA: Above me is where the development's
 10 going to go. I mean, it's a hill, a big hill. My name is
 11 Bonnie Gildea. I am the adjoining landowner directly
 12 downhill from the proposed Majestic Woods development.

13 Every failure in stormwater or erosion control
 14 will reach my property first. With that being said, what
 15 we have here is a very unique situation. Because this
 16 site sits directly above an occupied residence and a
 17 working horse property, the plan requires extra caution,
 18 clear drainage design, and enforceable protections.

19 Again, I am the only resident directly below the grading
 20 area.

21 Runoff sediment spills will reach me first.
 22 This has the potential to contain hazardous chemicals,
 23 hydraulic fluid, oil from construction vehicles, water
 24 used for cleaning cement mixers and machinery, acid mine
 25 drainage, not to mention grouting will be extremely loud

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1 and could also release toxins. All this draining into my
 2 horse pastures, my barn, my house.

3 Construction storm water must comply with 25 PA
 4 Code Chapter 102, E&S, and NPDES. I am requesting that
 5 you require public release of the NPDES permit, ENS
 6 narrative, concrete washout details, and spill prevention
 7 response plan before final approval is given. This
 8 township has the authority to impose conditions on this
 9 developer to protect the general welfare of neighboring
 10 properties.

11 Again, this is a very unique case, unlike any
 12 other in this township. And I feel you should impose
 13 certain conditions to protect my family. Pennsylvania MPC
 14 503, 2 and 3 SALDO provisions, must ensure adequate
 15 drainage and protection of adjacent properties.

16 South Park SALDO embodies this duty. You can
 17 and should impose conditions to protect edge land owners.
 18 Buffer zonings and setbacks in real estate is an important
 19 part of any planned community to eliminate potential
 20 problems between incompatible properties. My seventy-
 21 year-old horse farm and this new development are
 22 incompatible properties.

23 This township should require planted trees or a
 24 shrub buffer at the top of my property, minimum setbacks
 25 from the slope break, drainage swale, level spreader to

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1 avoid concentration flow towards my property, and a
 2 maintenance covenant so these protections remain. Under
 3 PA law a developer can be held liable if their actions in
 4 altering the natural water flow, concentration runoff, or
 5 increasing water discharge cause unreasonable harm to
 6 adjacent properties. The law generally prohibits an
 7 uphill owner from changing the natural drainage patterns
 8 on their land in a way that collects an artificial
 9 channel's waters onto a lower property.

10 So I ask you, why wouldn't the developer want to
 11 protect itself from possible liability? Maybe because in
 12 the past they have avoided responsibilities for their
 13 actions. I would like to read minutes from July 12, 2021
 14 Board of Supervisors meetings concerning the villas of
 15 South park, one of Frank Zokaites projects.

16 Larry Legeza, 3795 Snowden Road. Mr. Legeza
 17 commented that two weeks ago while it was raining, water
 18 was coming out of the hillside like a waterfall. He
 19 called the police who told him there was nothing they
 20 could do. He had a conference call with Gary and other
 21 township employees but no one came to look at the water
 22 damage on his property.

23 He called to speak to Gary, but was told that he
 24 does not work for the township. Mr. Legeza expressed his
 25 anger regarding the amount of water runoff from the new

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1 development sites. He commented that his backyard is a
 2 swamp due to the bubbling ground water coming up from the
 3 ground and he is unable to mow the grass. He added that
 4 the water looked toxic and he fears for his health.

5 He reiterated that no one from the conference
 6 call came to inspect his property. Mrs. Fosbaugh
 7 commented that she was not part of the conference call.
 8 And Mr. Bonidie stated that he was also not part of the
 9 call. Mr. Legeza responded that he spoke with both Mr.
 10 Bonidie and Gary regarding loud noise from the chipper
 11 shredder which was over a hundred and fifty decibals.

12 Mr. Bonidie commented that he never received any
 13 complaints relative to the chipper. Mr. Deiseroth
 14 commented that Stuart Rulnick came to Mr. Lageza's house
 15 the next day after he called. He explained that Mr.
 16 Rulnick is a representative from Gateway Engineer who is
 17 the engineering firm representing the township. Mr.
 18 Rulnick reviewed the water situation and had the
 19 contractor make some adjustments to the other side of the
 20 road.

21 Mr. Deiseroth remarked that we had two incidents
 22 of rain in a short period of time and there is no perfect
 23 drainage on Snowden Road. There is only a couple of cache
 24 basins as it approaches the site. Currently, the
 25 development site is in a temporary construction phase and

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1 as soon as the stormwater system is in place everything
2 will stay on the site and not run into his yard. Mr.
3 Rulnick investigated the surface water issue, but has not
4 tested the water.

5 Mr. Deiseroth commented that Mr. Rulnick is his
6 representative in the field and he's an expert at
7 construction. He addressed the issues with the contractor
8 that was causing some surface water coming off the site
9 with stone and mulch, the water from this site should not
10 be an issue anymore. Mr. Lageza replied that the water
11 flooded again on Friday. Mr. Deiseroth remarked that it
12 is not related to the site.

13 There is water coming off the Snowden Road. Mr.
14 Lageza commented that he has videos of water coming off
15 the development site and running onto his property. Mr.
16 Satkowski stated that Mr. Rulnick will contact Mr. Legeza
17 and investigate the situation as well as take water
18 samples. He will then provide the board with this finding
19 and the township will be in touch.

20 This is beyond frightening to me. Mr. Lageza is
21 across the street from the development. What happened to
22 him is terrible. I'm on a hill directly below this
23 development.

24 What happens when this occurs on my property and
25 water runs through my pastures and puts my horses in

1 danger either from the toxins or the flooding? Are you
2 going to inform me to wait until construction is complete?
3 What will I do in the meantime? How do you think I can
4 get through disaster like this? It doesn't seem like the
5 township or the development owned up to the flooding.

6 This shows why temporary controls and active
7 inspections matter. Pennsylvania's common law natural
8 drainage doctrine prohibits an uphill owner from
9 artificially concentrating discharge onto lower lands. I
10 am requesting that this township should require proof of
11 no new concentration, no increase in peak discharge
12 towards my parcel, and a third-party inspection during
13 grading. Also, please condition approval on independent
14 inspection during storms and a rapid response protocol
15 with restoration if off-site impact occurs, require pre-
16 construction video of adjacent properties, emergency spill
17 kits on site, storm event inspections, on call contact,
18 and an escrow for immediate stabilization restoration if
19 any impact occurs.

20 This will be the only way to provide me with at
21 least some insurance and protection. I don't think this
22 is too much to ask of this developer. I've been agonizing
23 over this development impacting my property from above and
24 now I have another major nightmare potentially occurring
25 in my front yard. I would like to read a letter that I

1 received from Mr. Frank Zokaites.

2 October 23, 2025, "Dear Mr. And Mrs. Gildae, I
3 am reaching out regarding a plan improvement to Sleepy
4 Hollow Road that are part of a residential housing plan
5 being developed nearby. A part of the development plans
6 calls for the upgrade of a section of Sleepy Hollow Road
7 to meet township specifications. In designing these
8 improvements, our engineers identified a small slope along
9 the roadway in front of your property. To address this,
10 an eight-foot high retaining wall is currently designed
11 within the public road right-of-way and a chain link fence
12 would be required on top of that wall.

13 After reviewing the plans with township staff,
14 they requested we contact you to see if you prefer an
15 alternative option. A small amount of grading work with a
16 portion of your front yard instead of this wall and fence.
17 This approach will achieve the same result, but with a
18 much more attractive finish. I have enclosed drawings
19 that show the current design with the wall as well as
20 illustration of what the grading option would look like.

21 We tried reaching out to you at these phone
22 numbers and left a message where possible. A site visit
23 was done on the morning of October 17th, and a note was
24 left in your mailbox. We would appreciate the chance to
25 review the plans with you. I would also like to point out

1 the development will proceed either way and your
2 cooperation is not mandatory.

3 Please call Joe Cathrey at your convenience to
4 discuss. Please let me know if you have questions or
5 concerns with this letter, Sincerely, Frank Zokaites,
6 Majestic Woods". Now, you can imagine, I have many
7 concerns over this letter.

8 Receiving a letter from a developer notifying me
9 of their intention to alter the front of my home is beyond
10 overwhelming. The drawing attached, I can't make heads or
11 tails out of them, and I'm sure that's the point.
12 According to the letter, South Park Township requested
13 that Majestic Woods contact me directly. Why?

14 Why would this township suggest that I would be
15 open to an alternative plan that is different from what
16 was recommended by an engineer? How can a small amount of
17 grading achieve the same result as a two hundred foot
18 long, eight foot high wall and fence? And I see tonight,
19 we've changed all that. Now we're to, what, three feet to
20 four feet?

21 Also, how many times in the past has this
22 township had a developer contact a residence over road
23 widening? Any work beyond the public right-of-way
24 requires my written consent. For the record, I do not
25 consent to grading or a wall on my land. I also must have

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1 full ability to review and agree to any proposed work.
 2 Furthermore, I'm no expert on any of this, so I
 3 will require my attorney and any other associated
 4 consultant, architect, engineers to review, comment on my
 5 behalf and any and all associated costs to be fully
 6 covered by the developer. Also required a stamped plan
 7 sheet showing property line, road, wall alignment, footing
 8 limits, drainage details, materials, elevation,
 9 construction staging, all road widening alternate must be
 10 presented on a public record with stamp drawing, safety,
 11 and ADA analysis and clear impact limits. My driveway is
 12 located above this area. Will this small center wall
 13 stabilize soil, prevent erosion, and manage water runoff?
 14 What about the geotechnical design calculations,
 15 drainage, blanket, weep pipe, protective (inaudible)
 16 surcharge from driveway, temporary access plans, the
 17 maintenance of this wall. There is so much to discuss,
 18 and I require clearer understanding of what is involved in
 19 this road widening. Why isn't this township requesting
 20 this developer to do more? Why are you allowing this
 21 developer to tell me what they are going to do to alter
 22 the front of my house?
 23 If this was any of you, would you be okay with
 24 this or would you demand something more? I am pleading
 25 with you to condition final approval on providing the full

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1 roadway plan, set cross-sections in advance, and prohibit
 2 any work beyond road without a signed recorded easement
 3 and restoration plan. I am also requesting a driveway tie
 4 in to preserve site distance, turning radius for horse
 5 trailers, establish controls to accommodate access in and
 6 out of my driveway by vehicles and by horses.
 7 Also, how can this developer claim that they
 8 have approval or that the project is a sure thing if it
 9 has not been officially voted and approved by this
 10 township? Why in the letter would Frank Zokaites say, "I
 11 would also like to point out the development will proceed
 12 either way and your cooperation is not mandatory."
 13 Really? What a terrible thing to say to a resident when
 14 you're talking about making drastic changes to their
 15 beloved home.
 16 This just goes to show how Frank Zokaites is
 17 going to proceed with this whole development. He doesn't
 18 care about the people of South Park or this community, he
 19 cares about making a profit and doesn't care whose
 20 property gets destroyed in the process. I will become one
 21 of his victims unless you reaffirm that no work occurs
 22 beyond the road without any written easement and that all
 23 alternates must be presented publicly. Frank Zokaites'
 24 company, Northwest Land, LLC claims they enrich
 25 communities.

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1 I don't feel very enriched. They generate
 2 approximately five to ten million dollars in annual
 3 revenue. Seems like he's making a lot of money from
 4 developments like Majestic Woods. He's a multi-million
 5 dollar company and I'm a small residential house caught in
 6 the middle of all this.
 7 With this in mind, I don't think it's too much
 8 to ask that he is required by this township to invest in
 9 the following, a buffer for the top of my property, an
 10 architectural appropriate wall, not some short, thin wall
 11 that will not hold up, landscaping that will enhance the
 12 front of my property, full restoration to ensure my
 13 property is safe, a performance bond. As an abutting
 14 property owner at 1971 Sleepy Hollow Road, I need to put
 15 on the record, the defined plan before you relies on
 16 widening Sleepy Hollow Road, yet there is no executed
 17 right-of-way dedication, ease of agreement, or documented
 18 proof of an existing public right-of-way wide enough to
 19 contain those improvements on my side. The developer has
 20 stated that the work will occur within the public road
 21 right-of-way.
 22 But neither I nor the public has been provided a
 23 recorded plan, date of dedication, or survey Exhibit
 24 establishing the right-of-way width and location at my
 25 property. And therefore, there is no verified basis to

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1 conclude the proposed wall in widening will not encroach
 2 on private land. Final approval should not be granted on
 3 or unresolved off-site property conflict or an assumption
 4 that a right-of-way issue will be worked out later.
 5 Until the application produces clear recorded
 6 right-of-way documentation and, or obtains the necessary
 7 property rights and revises the plan accordingly, the
 8 submission is incomplete and approval will be premature
 9 and could expose the township and residents to an unlawful
 10 taking and future liability. I respectfully request the
 11 Planning Commission table or recommend denial of final
 12 approval unless and until these right-of-way and
 13 encroachment issues are fully resolved in writing and
 14 shown on the final plans. I appreciate the opportunity to
 15 show my concerns regarding this proposed housing plan.
 16 While I understand the importance of development
 17 and growth, this project directly affects my home, my
 18 horses, my daily life, and the character of this
 19 community. I feel that I have raised many unanswered
 20 questions that makes it difficult to fully understand or
 21 support this development. Until drawings, permits, and
 22 protections are on the record, approving final plans risks
 23 preventable harm.
 24 I respectfully request that the township provide
 25 clear, detailed responses to the outstanding issues before

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1 moving forward. Transparency is essential to ensuring
 2 that any decision made is in the best interest of both
 3 current residents and future generations. I urge you to
 4 pause final improvement until all these matters that are
 5 brought up tonight are addressed thoroughly and publicly.
 6 Please postpone approval and direct the
 7 application to submit the following, NPDES and NES
 8 permits, stamped roadway alternates, proof of no
 9 encroachment beyond road without my easement, a top of
 10 slope buffer with drainage controls, third-party
 11 inspection during grading, and all consultant fees paid by
 12 this developer. Thank you for your patience, time,
 13 consideration, and commitment to serving our community. I
 14 want responsible development and I need enforceable
 15 protections.
 16 Everything I love, my home, my horses, my land
 17 sits directly below this site and every risk you allow
 18 here flows downhill to me. This plan is incomplete,
 19 unstable, and unsafe. The drainage, the slopes, the
 20 missing safeguards, they all point to the same conclusion,
 21 this development is not ready for approval.
 22 When Mr. Zokaites finishes his project and moves
 23 on, the dam stays behind. The flooding, the landslides,
 24 the destroyed properties, they become the township's
 25 problem, our community's problem, my problem. He'll be

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1 gone and we'll be the ones left living in the aftermath.
 2 Once the soil is cut and the hillside gives way, there's
 3 no fixing it.
 4 No amount of blame or paperwork will stop the
 5 water from running downhill. I'm asking you to do what
 6 your ordinances and your conscience require, stop this
 7 plan before it creates another disaster. Because when the
 8 water starts pouring through my pastures and into my home,
 9 it won't be Mr. Zokaites standing there asking for help,
 10 it'll be me. And by then, it'll be too late. Thank you.
 11 MS. DUNCAN: I'm sorry, can I recognize -- ask
 12 one question, please?
 13 MR. BRACKER: Sure.
 14 MS. DUNCAN: Am I correct in understanding that
 15 if you recommend not to approve this, it then goes to the
 16 Board of Supervisors on December 8th and they have the
 17 option of, once again, going against your recommendation?
 18 MR. FIRMAN: Yeah. This --
 19 MR. SOBECK: Two weeks advertisement.
 20 MS. DUNCAN: Or your other option is to, if
 21 appropriate, and if you feel that is the correct way to
 22 go, to say that the application is not yet complete based
 23 on the information we have with the conditions the
 24 supervisors put on their approval the first time?
 25 MR. BRACKER: We have the -- we basically have

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1 three options. One is we can table, meaning that it comes
 2 back next month. We can recommend, which means it goes
 3 forward to the Board of Supervisors for their review and
 4 their final decision. Or we can say we don't recommend it
 5 and once again, it goes to the Board of Supervisors for
 6 their review. So those are the three options that we
 7 have.
 8 MS. DUNCAN: As a supervisor elect, I would
 9 request that you seriously consider how you phrase your
 10 response. If you table it, it stays, correct?
 11 MR. BRACKER: Yes.
 12 MS. DUNCAN: Okay. Thank you for the
 13 clarification.
 14 MS. AMOROSO: If you table it, the board of
 15 Supervisors may not approve it?
 16 MR. BRACKER: They would not get it.
 17 MR. SOBECK: If they don't accept it,
 18 application, stops the clock.
 19 MS. AMOROSO: Got it. Got it. Can I ask one
 20 more question? Since this developer has filed bankruptcy,
 21 is he going to have enough money for our bonds? I mean,
 22 once you file bankruptcy, can you --
 23 MR. SOBECK: Well, one of these shall come to --
 24 MR. FIRMAN: I'm sorry, if we're just going to
 25 speak, maybe want to go one at a time to just -- if you

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1 come forward. But again, I think there's a lot -- we kind
 2 of lost track.
 3 MS. AMOROSO: No. But I'm just wondering, if
 4 he's filed for bankruptcy, doesn't that mean he doesn't
 5 have any money? So I think that those bonds for the
 6 streets, bonds for the property, where's he getting the
 7 money for the bonds?
 8 MR. FIRMAN: Should that -- should it get to
 9 that point, that's right, you're correct. There's
 10 bonds --
 11 MS. AMOROSO: Right.
 12 MR. BRACKER: That's after the approvals is --
 13 MS. AMOROSO: Right. But isn't that something
 14 we ought to think about?
 15 MR. FIRMAN: Yeah. It's not -- honestly, that's
 16 just something that's not for this Planning Commission.
 17 That's something that's not Planning Commission -- it's
 18 something they would have to -- that's not something this
 19 Planning Commission can evaluate, they don't have the
 20 information.
 21 MS. AMOROSO: Well, right. So don't you have to
 22 know the financial records of the developer to move
 23 forward?
 24 MR. FIRMAN: Not at this time, they don't.
 25 MS. AMOROSO: Okay.

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1 MR. BRACKER: Walt Mager?
 2 MR. MAGER: I heard enough of everything with
 3 the last couple ladies. I mean, they did an excellent
 4 job. And I just wanted to come up and introduce myself as
 5 Walt Mager.
 6 And oh, I've been doing this for over sixty years,
 7 not forty, in design and now construction for the last
 8 twenty in buildings. And one of the things I was really
 9 curious about, from all the slides that have been up here,
 10 I don't know if any of you even saw -- I saw the drawings
 11 from Tom and they're drawings, it'll take me probably two
 12 days to go through all the drawings, there's so many of
 13 them. But I'm surprised the township engineer didn't
 14 bring up -- and throw it up on it, right there, what these
 15 couple ladies said.
 16 Where are the stormwater management plans post
 17 construction? Where are they at? Where are they going to
 18 be located on that site? And he has no geological
 19 information.
 20 Ten percent of the water runs off in a wooded area.
 21 When you pave it, ninety-five percent of that runs off.
 22 And it's U.S. geological information, I have it. Long
 23 before they took over the stormwater, I used to just dump
 24 it into cricks, 1990 they stopped that.
 25 And so I run five feet outside the building with the

1 stormwater and the civil engineer likes it. But from what
 2 I saw and all the years I've been in here and Tom and his
 3 third party beat the daylight out of me when I submit
 4 drawings, they're engineered and sealed. But I mean, I
 5 get the daylight out of me, and I correct them and
 6 that's after (inaudible) approves.
 7 But I'd never approve those drawings, I wouldn't
 8 even -- and I'm surprised -- I don't know if any of you
 9 have seen the drawings, but he has a stack down there.
 10 And I look at drawings all the time. I swear if I was
 11 reviewing drawings, it would take me a solid two days to
 12 look at those drawings to see what I'm reading on each
 13 drawing, doesn't really correlate with what it's saying.
 14 And I never saw stormwater management plans, they might be
 15 there, but I'm surprised it wasn't mentioned there, but
 16 that one woman is asking. And the other issue is there's
 17 no permits issued, right Tom?
 18 MR. BONIDIE: No permits, not at this time.
 19 MR. MAGER: No permits, so now you're going to
 20 be building to the 2021 IBC, Pennsylvania's adopted that.
 21 And in that instance, with the new building codes, every
 22 one of those houses have to have a federal rescheck, which
 23 is an energy conservation form, for every house built
 24 there, submitted to Tom or his third-party inspection
 25 agency that it'd be energy, lighting, and plumbing. And

1 that's the new codes, it's enforceable, started January
 2 '25. So I'm done. I just want to say I've worked sixty
 3 years, not forty years. Thanks.
 4 MR. BRACKER: Thank you. Okay. That was all
 5 the folks that had signed up to speak. And I think we've
 6 got a good response -- good feel for what issues or --
 7 issues and concerns that are out there for the community.
 8 Mr. Wetzel, do you have -- would you like to -- there were
 9 some things that were stated, like, concerning the bridge,
 10 or the culvert, I should say. Are there any things that
 11 you would like to address?
 12 MS. PETERS: Hi, I'm Leslie Peters. I represent
 13 the developer and I just had three comments to make.
 14 MR. BRACKER: Could you state your name again
 15 for the record --
 16 MS. PETERS: Sure. Leslie Peters from Bowles
 17 Rice. We represent the developer. Pennsylvania courts
 18 have uniformly determined that municipalities may not
 19 withhold approval or deny approval based on third-party
 20 approvals. The second comment is simply that the
 21 township's experts have determined that the plan meets all
 22 of the ordinance requirements. And the third is that the
 23 township's experts have determined that the final plan
 24 conforms to the approved preliminary plan. And those are
 25 my comments.

1 MR. SOBECK: There is no preliminary approval.
 2 It's invalidated and accepted in writing within thirty
 3 days.
 4 MR. FIRMAN: Do you want to address that
 5 comment?
 6 MS. PETERS: We believe that the communications
 7 between the developer and the township evidenced an
 8 ongoing working relationship. We continued to work to
 9 address the comments as they were provided. The township
 10 continued to provide us comments based on our submissions
 11 to the township in response. There was a lot of back and
 12 forth in those emails.
 13 MR. FOSTER: It doesn't meet the ordinance
 14 requirements.
 15 MS. PETERS: I'm not going to argue with your
 16 residents, but those are my comments.
 17 MR. FIRMAN: Anything further from the
 18 developer? Do you have anything else you want to add
 19 here?
 20 MR. WETZEL: No, thank you.
 21 MR. FIRMAN: Yeah. I think there's some legal
 22 issues we should have a private session.
 23 MR. PAPINCHAK: Yeah. I was going to request an
 24 executive session because I have a couple of things I want
 25 to address.

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1 MR. BRACKER: Okay. So --
 2 MS. GASMIRE: Can I just say something really
 3 quick?
 4 MR. BRACKER: We're -- yeah. We're -- we'll be
 5 back. We'll be --
 6 MS. GASMIRE: It's just if you're going to have
 7 an executive session real quick, I just want to say one
 8 thing.
 9 MR. BRACKER: Sure. Please come up, state your
 10 name for the record and your address.
 11 MS. GASMIRE: Whitney Gasmire, 2989 Amy Drive. I
 12 just want to say, if you guys go do an executive session
 13 like before, whenever you, you know, voted to not approve
 14 or whatever, you voted as the plan being complete, right?
 15 So if the plan, if you had said that it was incomplete,
 16 then Dan would have had to have given the reasons why it
 17 was incomplete and given them to the Board of Supervisors.
 18 And the burden of proof would have been on the Board of
 19 Supervisors to say that the developer had met those
 20 conditions, right?
 21 So, not faulting you guys, but what I'm saying
 22 is, is, listen, these emails, we can't -- and no
 23 disrespect to Dan or Tom or anything, but when those
 24 emails came through saying that they would, you know, can
 25 you opine that this will work out okay. And, okay, we're

1 not going to include that, immediately, that should have
 2 raised a red flag. And either Tom or Dan should have
 3 immediately spoken to Karen or the Board of Supervisors
 4 and said, "hey" -- he should have spoken directly to the
 5 developer and said, "We're not comfortable with proceeding
 6 with a plan where you're not fully providing all of these
 7 details in the public meeting. We can't operate like
 8 that, and we shouldn't operate like that."
 9 And so what I'm saying here is if you guys go
 10 back there and you decide to do whatever, no matter what
 11 you decide, please talk to Irv and then work out these
 12 specific reasons why this plan is not complete and why you
 13 can't approve it, okay? Because the -- that Board of
 14 Supervisors, they're not going to be -- they're going to
 15 throw it back to the engineer, they're going to come up
 16 with some nonsense. No disrespect, I'm sure you're nice
 17 people.
 18 But as far as this goes, we would not hire Frank
 19 Zokaites to work on our plumbing in our house, we wouldn't
 20 ask him to come put a deck up in the backyard. If we had
 21 scheduled work with somebody and we googled them and we
 22 saw all these lawsuits, we would never do that, okay? And
 23 I don't want to get emotional, but my heart breaks for
 24 Bonnie because we know -- just what she was saying about
 25 that man on Snowden.

1 There is no hero here. There's nobody that's
 2 going to swoop in and save her, okay? You guys are the
 3 heroes right now, okay? You guys get to be the people
 4 that -- trust your gut, trust your instincts.
 5 Say if this was your house or if this was
 6 happening to you, you wouldn't want to work with this
 7 person. And if you saw these emails from people that were
 8 working with this person and you had signed up, you would
 9 back out. You would back out of it, you know what I mean?
 10 So just please be precise with everything and
 11 count on this group that's voting. Don't count on the
 12 engineers, don't even count on our engineer, okay? That's
 13 all I have, thanks.
 14 MR. SABLE: Mr. Chair, I'd like to make a motion
 15 that we move to an executive session --
 16 MR. PAPINCHAK: Second.
 17 MR. BRACKER: Do we have a second?
 18 MR. PAPINCHAK: Second.
 19 MR. BRACKER: All those in favor?
 20 (Thereupon, there was a chorus of ayes.)
 21 MR. BRACKER: All those opposed? Motion is
 22 carried. We will be back shortly.
 23 (Recess taken)
 24 MR. BRACKER: Okay. Thank you very much
 25 everyone for your patience. We're calling the session

1 back into --
 2 MR. SABLE: Calling the recess back into
 3 session.
 4 MR. BRACKER: Yeah. Calling the recess back
 5 into order. Irv, do you -- would you like to comment for
 6 us?
 7 MR. FIRMAN: Yes. I don't know who's speaking
 8 on behalf of the applicant today, Ms. Peters or Mr.
 9 Wetzel.
 10 MS. PETERS: Depends on what the question is.
 11 MR. FIRMAN: Do you guys hear me okay? Am I not
 12 on? So obviously there were a number of issues raised by
 13 the public this evening.
 14 Issues -- and the issues that I saw were the
 15 issue of the acceptance of the conditions, NPDES permit,
 16 condition on -- as you -- I think you addressed verbally,
 17 your last comment, there were some issues raised regarding
 18 the geotech report on how it was done. There were issues
 19 raised regarding the stormwater management and how it was
 20 going to be maintained during the construction process, as
 21 well as an explanation of how it would work. Issues
 22 regarding the response to the DCED comment letter. And
 23 the Board would like to give you the opportunity to
 24 address those issues in full, time to prepare in writing,
 25 and give you an opportunity. You can submit it back to

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1 the board within fifteen days if you would like to have a
 2 table tonight.
 3 MS. PETERS: We would not.
 4 MR. FIRMAN: Okay.
 5 MS. PETERS: We would prefer that the Board take
 6 action.
 7 MR. FIRMAN: Thank you.
 8 MS. PETERS: Thank you.
 9 MR. BRACKER: Okay. So we have two items to
 10 vote upon. One, is the application complete? And Mr.
 11 Irv, can you -- we had talked about whether this was
 12 actually complete versus not. Could you provide some
 13 guidance to us on that issue?
 14 MR. FIRMAN: The application itself is complete,
 15 so you're going to have to -- based on the information
 16 from the staff that's given to you, you have to vote if --
 17 I mean, you have to take that -- you have to respect the
 18 advice you're getting from the township staff that says
 19 the application is complete. That's how it ends up
 20 getting here. If they didn't come here, it wouldn't be.
 21 So I think that's the answer to that question.
 22 MR. BRACKER: Okay. Thank you.
 23 MR. PAPINCHAK: Mr. Chair, I'll make a motion to
 24 accept this final application for a major subdivision,
 25 also inclusive of a submitted multi-phase major land

1 development plan for the proposed development of a hundred
 2 eight lots to be located along Sleepy Hollow Road, lot
 3 block 771-F-75 as being complete per the subdivision and
 4 land development ordinance, as well as for the conditions
 5 stated within the May 24th township approved preliminary
 6 plan.
 7 MR. DEPRETIS: Second.
 8 MR. BRACKER: All those in favor?
 9 (Thereupon, there was a chorus of ayes.)
 10 MR. BRACKER: All those opposed? Motion is
 11 carried. The second item is to consider final approval
 12 for a major subdivision to be also inclusive of submitted
 13 a multi-phased major land development plan for proposed
 14 development of one hundred eight lots to be located along
 15 Sleepy Hollow Road, lot block number 771-4-75, as well as
 16 for the applicant's fulfillment of all associated
 17 conditions stated within the previously approved
 18 preliminary plan. Do we have a motion to recommend, not
 19 recommend, or table?
 20 MR. SABLE: Mr. Chairman, I have a point that I
 21 want to ask the developer. Are you saying to us that you
 22 do not want to take time to address the comments and
 23 questions that were made here as a rebuttal to their
 24 comments?
 25 MS. PETERS: What we're saying is we believe the

1 application is administratively complete. We believe the
 2 township's experts have indicated to you that we have met
 3 all of the township requirements in the zoning and
 4 subdivision land development ordinance, that the
 5 application, again, is complete, including the geotech
 6 report, the other various reports that have been
 7 referenced. From what we've heard from your experts,
 8 those things have been reviewed, vetted, and found to be
 9 in compliance with the township's requirements.
 10 MR. SABLE: Well, I'm trying to give you an
 11 opportunity to provide the Planning Commission
 12 explanations for what their allegations are regarding
 13 these issues that the solicitor has outlined. And you're
 14 telling me that you would prefer not to do that?
 15 MS. PETERS: That's correct, sir, yes. We would
 16 like the Planning Commission to make a recommendation.
 17 MR. BRACKER: Should we go down the line?
 18 MR. SABLE: Let me ask the solicitor, do we have
 19 an option to table it?
 20 MR. FIRMAN: We would -- I don't -- I think --
 21 I'm not sure we're on the timeline. I need to look at --
 22 I need to look at some information before I answer that
 23 question.
 24 MR. SOBECK: Why isn't table on the agenda? Why
 25 is it not on the agenda?

1 MR. SABLE: We're trying to get to the answer,
 2 just like you are, so wait a minute.
 3 MR. FIRMAN: Just so everybody's clear --
 4 MR. BRACKER: Ladies and gentlemen, please.
 5 MR. FIRMAN: Just so everybody's clear, there
 6 are timelines set forth in the municipality's planning
 7 code for something to be a decision. Otherwise, you run
 8 into issues. I believe there's an extension of time
 9 granted, that would allow us to extend this beyond this
 10 time, but I need to -- before I give advice to this
 11 Planning Commission to table it -- I don't want to put
 12 anything at risk, so I want to look at what the
 13 information says and what we already have in writing. The
 14 applicant has already submitted a letter extending
 15 timelines, but I just don't recall how long it's been, so.
 16 MR. BRACKER: If you could just give us a
 17 moment.
 18 MR. FOSTER: What ever happened to sunshine
 19 laws?
 20 MR. FIRMAN: They're not violating any sunshine
 21 law. They're not violating any sunshine law.
 22 MR. FOSTER: We'll see.
 23 MR. FIRMAN: They're not -- I know we're not.
 24 You could sit there and tell me we are, I'm telling you
 25 we're not.

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1 MR. FOSTER: No. No.
 2 MR. FIRMAN: No Planning Commissioners are in
 3 the back room, they're all sitting right here.
 4 MR. FOSTER: They just were for a half hour.
 5 MR. FIRMAN: That was an executive session.
 6 MR. FOSTER: Thank you.
 7 MR. SABLE: Getting legal counsel.
 8 MR. FIRMAN: Getting legal counsel is absolutely
 9 allowed.
 10 (Recess taken)
 11 MR. FIRMAN: So I think the extension of time
 12 that was granted covers the township to render a decision
 13 by December 26th. And so unless they're going to grant a
 14 further extension of time, I think this Board has to
 15 render a decision. So I'll ask, do you wish to further
 16 extend the timeline?
 17 MS. PETERS: We do not.
 18 MR. FIRMAN: Yeah. So we're under a timeline
 19 for -- under the municipality's planning code to render a
 20 decision. They're here today. Obviously, they're within
 21 this timeline, but the next -- you must schedule the
 22 public -- the Board of Commission -- I'm sorry. The Board
 23 of Supervisors will have to take action.
 24 MR. SOBECK: It's ninety days. The clock starts
 25 when they accept the application as complete.

1 MR. FIRMAN: No, sir. That's not correct.
 2 That's not -- that's just not correct. The application's
 3 when it starts. But there's been other correspondence
 4 between the parties where they have extended the guideline
 5 to render a decision.
 6 MR. SOBECK: Dan's final --
 7 MR. FOSTER: The ordinance has --
 8 MR. FIRMAN: I don't want to argue about it.
 9 I'm giving that advice.
 10 MR. FOSTER: It's in the ordinances that it's
 11 ninety days from when this happens.
 12 MR. FIRMAN: That's not accurate, sir.
 13 MS. GASMIRE: Can you read it to us?
 14 MR. FIRMAN: Anyway, so there's a lot of
 15 details. I can't -- I'm giving the advice, I'm not
 16 putting -- yeah.
 17 MR. BRACKER: Thank you, Mr. Furman. So I know
 18 I had read this. I don't know if we need to read it
 19 again.
 20 MR. SABLE: No.
 21 MR. BRACKER: And Pat had -- was starting to
 22 make a motion. I don't know if you want to continue with
 23 that motion, Pat, or what you want --
 24 MR. SABLE: I got to tell you, I'm very
 25 disappointed that you guys aren't taking the opportunity

1 to take fifteen days and come back and give an
 2 explanation. That is just not sitting well with me at
 3 all. I need to be fair, and I'm one of the people that
 4 wants the damn thing to go through. Because I -- a lot of
 5 people here tonight talked about things that need to be
 6 addressed. As long as we develop it and was done right
 7 and done according to all of the regulations. I'm trying
 8 to reconcile that in my mind about giving you -- but you
 9 don't want to take that opportunity, so you put us in a
 10 very difficult situation.
 11 MS. PETERS: I appreciate that and I apologize.
 12 But again, your township experts have indicated to you
 13 that our admission -- our submission is complete and
 14 complies with all of the applicable ordinances. They've
 15 reviewed all of the documents that we provided. So I
 16 think based on that alone, we're prepared for you to take
 17 action.
 18 MR. FOSTER: Can we just ask a question?
 19 MR. FIRMAN: Sir, with all due respect, there's
 20 a motion -- there's actually a motion pending.
 21 UNKNOWN SPEAKER: Let him talk.
 22 MR. FOSTER: If the ordinances require
 23 submission to the Allegheny County Conservation Group of
 24 the final plan, and that's not met, how are they meeting
 25 the ordinances?

1 MR. SOBECK: They didn't meet the conditions of
 2 preliminary approval.
 3 MR. FOSTER: Just one at a time. How are they
 4 meeting that? It's in our ordinances that it's got to get
 5 final approval -- it's got to -- the final plan has got to
 6 be reviewed. It went to the Allegheny County Economic
 7 Development Group. It never went to the Allegheny County
 8 Conservation District, never did. Matt Gordon, you have
 9 an email.
 10 MR. FIRMAN: Sir, I don't know if that's -- I
 11 don't know where it was sent and where it wasn't --
 12 UNKNOWN SPEAKER: What about the environmental
 13 permit?
 14 MR. FIRMAN: That's not the question. First,
 15 the question for the Board is, is the application
 16 complete? They've already been told they have to rely on
 17 the application being complete.
 18 If those other things -- if those things -- if
 19 there are other issues that you raised this evening, and
 20 again, I asked the developer a number of them. If the
 21 Board of the Planning Commission feels they were not
 22 adequately addressed, they'll make a recommendation to
 23 deny the plan. If they feel that it was adequately
 24 addressed, they'll make a recommendation to approve the
 25 plan that will go forward. The issue of completeness has

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1 already been decided, it's here. So they don't have a
 2 right -- even if you're -- I'm not saying you are or
 3 you're not, I'm saying if those things are correct, they
 4 have to take action.

5 MR. FOSTER: Okay. Can I just read this into
 6 the record? Because I think this is important because
 7 we're making a decision, I think, and we're not
 8 understanding the ordinances, right? So this is 118-16,
 9 Item Two, "For the purposes of these regulations, the
 10 first meeting of the final application reviewed by the
 11 Planning Commission will constitute the official filing
 12 date of the final application, thus starts the ninety-day
 13 review period provided for by law." Where's that at?

14 Ninety days, this is our ordinances, how do we
 15 not follow this? Anybody who wants to build a house or do
 16 anything, they got to follow the ordinances. Developers
 17 come in and they don't have to follow them. They don't
 18 have to file to the -- because we all know why they didn't
 19 file to the Allegheny County Conservation District because
 20 they know they're going to be told immediately -- and you
 21 can call Matt Gordon tomorrow and ask him this.

22 The reason they're not doing it, because they
 23 know instantly they're going to tell them, "No. You're
 24 not getting a general permit, you need an individual
 25 permit." They don't want that because that means this

1 thing is going to sit for a year. And all the scrutiny
 2 that this is going to undergo before a shovel hits the
 3 dirt is going to find all these other issues, all the
 4 issues with the geotechnical report that we heard from Ted
 5 Sobek, it's all going to come to light.

6 How is it going to look on this Board that you
 7 approved something and all these problems over the next
 8 year are going to come to light and this got shoved down
 9 everyone's throat and you're ignoring ordinance after
 10 ordinance and you're saying you don't think that's the
 11 ordinance? It's right here in black and white, I just
 12 read it. Ninety days, this meeting starts that clock
 13 running.

14 MR. FIRMAN: I'm not going to debate it with
 15 you --

16 MR. FOSTER: I know you're not.

17 MR. FIRMAN: Okay.

18 MR. FOSTER: The Board of Supervisor's action
 19 within ninety days of the official date of the filing of
 20 the final application, which we justified here in the
 21 prior ordinances tonight, they have ninety days to approve
 22 or make a decision on that. Everything is saying ninety
 23 days, it's pretty clear, it's black and white.

24 MR. FIRMAN: No. It's not -- you're just not
 25 correct, sir.

1 MR. FOSTER: Are our ordinances correct? Sir,
 2 just help the crowd understand how the ordinances that are
 3 written that we pull offline or we look at the library,
 4 that's where these are from, we're saying these are not
 5 corrected anymore? I mean, that's convenient. That's
 6 convenient. Because I know if anyone's trying to build a
 7 house and they come up and say, "Oh, these ordinances are
 8 not correct."

9 MR. FIRMAN: The ordinance language is correct,
 10 sir, the situation is different than that which you
 11 described.

12 UNKNOWN SPEAKER: How?

13 MR. FOSTER: For purposes of these regulations,
 14 the first meeting of the final application review by the
 15 Planning Commission. Is that what's going on here
 16 tonight?

17 MR. FIRMAN: No, sir. It's already been -- it's
 18 been here and been tabled in the past, it's not been
 19 presented.

20 MR. FOSTER: It's not -- the final application
 21 has never been tabled, the preliminary has been tabled.

22 MR. FIRMAN: The plan has been submitted. Their
 23 plan has been submitted. We have to take action.

24 MR. FOSTER: So there's a meeting without public
 25 knowledge --

1 MR. FIRMAN: No, sir.

2 MR. FOSTER: -- the first meeting --

3 MR. FIRMAN: It was submitted. The application
 4 was submitted.

5 MR. FOSTER: It doesn't say anything about that.

6 MR. FIRMAN: I understand what you're saying.
 7 That's not -- there's other factors involved.

8 MR. FOSTER: This is as black and white as it
 9 can be.

10 MR. FIRMAN: It's under the municipality's
 11 planning code. My opinion is this has to go forward
 12 tonight or you're running the risk of being --

13 MR. SOBECK: We can't hear you.

14 MR. FOSTER: This will be litigated without a
 15 doubt by this group here. Why you don't fear this group
 16 more than that group?

17 MR. BRACKER: Can we have the floor, please?

18 MR. FOSTER: Yeah. It's yours, guys.

19 MR. PAPINCHAK: Mr. Chair, I'd like to make a
 20 motion to not recommend this application for final
 21 approval for a major subdivision, also inclusive of
 22 submitted a multi-phase major land development for
 23 proposed development of a hundred eight lots to be located
 24 along Sleepy Hollow Road, lot block 771-F-75, as well as
 25 for the applicant's fulfillment of all associated

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1 conditions stated within the previously approved
 2 preliminary plan.
 3 MR. DEVINE: I'll second --
 4 MR. PAPINCHAK: Thank you.
 5 MR. DEVINE: -- to not recommend.
 6 MR. BRACKER: So the recommendation -- or I
 7 should say the motion is to not recommend. All those in
 8 favor?
 9 (Thereupon, there was a chorus of ayes.)
 10 MR. BRACKER: All those opposed?
 11 MR. SABLE: Nay.
 12 MR. BRACKER: Patrick Sable was the voting
 13 against. The motion to not recommend this to the Board of
 14 Supervisors is passed.
 15 MR. PAPINCHAK: Motion to adjourn.
 16 MR. BRACKER: The next regular meeting for the
 17 Planning Commission is -- excuse me. Very quickly, the
 18 next regular meeting for the Planning Commission is
 19 Monday, December 22, 2025 at 7:00 p.m. Just a reminder,
 20 the Board of Supervisors' meeting that will cover Majestic
 21 Woods is on Monday, December 8th.
 22 MR. SOBECK: Two weeks public notice requirement
 23 by law.
 24 MR. BRACKER: It is Monday, December 8th, at
 25 7:00 p.m. in this location. Do we have a motion to

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1 adjourn?
 2 MR. PAPINCHAK: So moved.
 3 MR. DEPRETIS: Second it.
 4 MR. BRACKER: All those in favor?
 5 (Thereupon, there was a chorus of ayes.)
 6 MR. BRACKER: Motion is carried at 10:47.
 7 (Thereupon, at 10:47 p.m. the Planning Commission Meeting
 8 was concluded.)
 9 ---
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1 CERTIFICATE
 2 COMMONWEALTH OF PENNSYLVANIA,)
 3) SS:
 4 COUNTY OF ALLEGHENY.)
 5 I, Caitlynn Soubie, the undersigned, do hereby certify
 6 that the foregoing 138 pages are a true and correct transcript,
 7 transcribed by me by means of computer-aided transcription,
 8 taken of the Planning Commission Meeting at South Park
 9 Township, 2675 Brownsville Road, South Park, PA 15129,
 10 November 25, 2025.
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22 _____
 23 Caitlynn Soubie, Notary Public
 24 My commission expires March 4, 2028
 25