

# Agenda

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**Township of Wilkins  
Planning Commission Meeting  
August 16, 2023**

**Join Zoom Meeting: <https://us02web.zoom.us/j/84408947743>**

1. Call to Order
2. Public Comments
3. Approval of the minutes of the Planning Commission meeting of May 17, 2023.
4. Golden-Buncher Subdivision and Consolidation Plan
5. Next meeting date: September 20, 2023
6. Adjournment

# TOWNSHIP OF WILKINS PLANNING COMMISSION MEETING

## May 17, 2023

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The Planning Commission meeting was brought to order by Ms. Greco at 7:00 p.m. The purpose of the meeting was to approve the minutes of the April 19, 2023 meeting, review the second submission made by ModWash for 3474 William Penn Highway, and review a grant proposal for Eastmont Park.

The following members were present: Mr. Mark Wolfgang, Dr. Donald Hoffman, Mr. Rodrick Campbell (via Zoom), Mr. Richard DeRiso and Ms. Erin Greco.

Also in attendance: Rebecca Vargo, Township Manager, John Bachrach, Solicitor, and Robert Arnold, Engineer.

On behalf of the Applicant Modwash: Mr. Nicholas Markovic, EIT, Morris Knowles & Associates, Inc., 443 Athena Drive, Delmont, PA 15626 and Mr. Devin Baker, Development Project Engineer, Hutton Pittsburgh (William Penn) ST LLC., 736 Cherry Street, Chattanooga, TN 37402 (Via Zoom).

The following items were presented:

- 1) Wilkins Township Planning Commission Meeting Minutes of April 19, 2023.
- 2) Modwash Expansion – 3474 William Penn Highway
  - a. Correspondence dated May 2, 2023 from Matthew Trepal, AICP, Manager, Planning Division, County of Allegheny Economic Development, RE: 3474 William Penn Highway lot line revision between parcel ID 542-F-130 and 542-F-138.
  - b. Email from Garrett J. Varner, EIT, Morris Knowles, to Jaclyn Karolski, Planning Division, Allegheny County Economic Development dated May 9, 2023 resubmitting the subdivision plan with amendments per the County's recommendations, enclosing the following:
    - i. Revised Subdivision Plans showing the subdivision of 2,590 square feet of land from Lot/Block No.'s 542-F-138 and 542-G-060 (collectively Lot 1) and the addition of the same square footage to Lot/Block No. 542-F-130, dated March 31, 2023.
    - ii. Revised Land Development Plans;
      1. Sheet No. C000 – Title Sheet
      2. Sheet No. C100 – Existing Conditions/Demolition plan
      3. Sheet No. C200 – Site Plan
      4. Sheet No. C300 – Grading Plan
      5. Sheet No. C500 – PCSM / Landscape Plan
      6. Sheet No. C600 – General Details
      7. Sheet No. C700 – Erosion and Sedimentation Control Title Sheet
      8. Sheet No. C701 – Erosion and Sedimentation Control Plan
      9. Sheet No. C702 – Erosion and Sedimentation Control Details
    - iii. Revised PCSM Narrative, dated May 2023
    - iv. Retaining Wall Design Sheet (Drawing No. SC-1.0)

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- c. Correspondence from Garrett Varner, EIT, Project Manager, Morris Knowles & Associates, Inc., to Rebecca Vargo dated May 9, 2023, responding to the comments received from the Township on April 19, 2023.
  - d. Email from Jaclyn Karolski, Planning Division, Allegheny County Economic Development, dated May 10, 2023 advising that the County's comments have all been addressed.
  - e. Correspondence dated May 12, 2023 from Robert L. Arnold, P.E., HRG, Inc., to Rebecca Vargo regarding Plan Review 02 for the Modwash Expansion.
  - f. Email dated May 15, 2023 from Mark Zimmerman, P.E., Morris Knowles & Associates, Inc. to Robert Arnold and Rebecca Vargo forwarding an email from Devin Baker, Hutton, which forwarded an email from Jan B. Young, III, Manager, Property Management with AutoZone, Inc., to Karen Hutton, Founder, President & CEO of Hutton regarding a temporary construction easement, also stating that the Hutton team will determine if it will be purchasing AutoZone's leasehold interest from the landlord or if a permanent easement will be obtained in lieu of a purchase.
- 3) Project narrative for Township Greenways, Trails, and Recreation Program (GTRP) grant application through the PA Department of Community and Economic Development (DCED).

There were no public comments.

### **APPROVAL OF MINUTES:**

The minutes of the Planning Commission meeting of April 19, 2023 were presented for approval. It was **MOVED HOFFMAN – DERISO** to approve the minutes of the regular meeting of the Planning Commission of April 19, 2023. All in favor and so ordered. Mr. Wolfgang requested that future minutes include a bulleted list of requirements for proposals of development in addition to the narrative. [Note that there was a typographical error on Page 8 of the minutes that was pointed out by Mr. Campbell prior to the meeting. That error has been corrected in the official minutes).

### **MODWASH EXPANSION:**

Mr. Nicholas Markovic, EIT, Morris-Knowles and Associates reintroduced the project on behalf of Hutton Development. The developer is seeking preliminary and final approval to expand the existing Modwash Carwash by adding an additional stacking ring and an additional pay kiosk. They are also seeking approval of a subdivision and consolidation plan to join property from the neighboring property (Auto Zone) to their existing property. They are also redoing the landscape.

Since the last meeting, the Township received comments from Allegheny County on the first submission. The developer took the corrective action noted in bold below. Allegheny County responded via email on May 10, 2023 that they had no further comments.

### **Subdivision:**

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- ACPD: Please include a graphic scale in addition to the written scale that is currently provided on the plan.  
**MKA: Scale added to resubmission.**  
ACPD: No further comment.
- ACPD: There are two different parcel ID's written on the plan in Lot 1. Please remove parcel ID # 542-G-60 as that is the ID for the adjacent parcel, not one that is impacted by this lot line revision.  
**MKA: The parcel ID was removed.**  
ACPD: No further comment.
- ACPD: There is currently only owner information for Hutton Pittsburgh (William Penn) St LLC in the notes of the plan. Please also include owner information for Agree Stores LLC.
- **MKA: The owner information was removed from the notes and placed under the Zoning Information and now includes both Agree Stores, LLC and Hutton.**  
ACPD: No further comment.
- ACPD: This site abuts William Penn Highway (SR 2048), therefore the following HOP statement should be added to the plan: "A highway occupancy permit is required pursuant to §420 of the Act of June 1, 1945 (P.L. 1242, No. 428) known as the "State Highway Law" before driveway access to a State highway is permitted.  
**MKA: Added as Note 5.**  
ACPD: No further comment.

On April 19, 2023, Mr. Arnold provided comments to Mr. Garrett Varner, EIT, Morris Knowles. Mr. Varner responded to those comments by letter dated May 9, 2023 and Mr. Arnold responded to those comments on May 12, 2023. The following narrative consolidates these three letters into one. (Note: Comments related to HRG's initial review of April 19<sup>th</sup> are in regular character typing. Comments related to HRG's second review of May 12<sup>th</sup> are in italics).

Comments related to submission:

1. HRG: Although it appears the calculations match the condition for which the application was submitted, the Stormwater Management Report narrative does not describe the current conditions of the property. The pre-development conditions should reflect the existing car wash.  
**MKA: Per a phone conversation with the Township Engineer, the existing conditions will be considered as the demolished bank, while the post development conditions will be considered as the existing car wash with the proposed expansion.**  
HRG: No comment.

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2. HRG: The report states on page 3 that the area total (all nodes) is 51,836 square feet. The property appears to be less than an acre in size. Please confirm the property size and drainage areas.  
**MKA: The total area of 51,836 square feet was a combination of pre-development drainage area and the post development drainage area. This section has been removed from the attached PCSM narrative for clarity purposes.**  
HRG: No comment.
3. HRG: Similarly, the limit of disturbance areas shown on Sheet C701 is shown as 0.41 acres, please confirm.  
**MKA: The proposed limit of disturbance for this site is 0.41 acres.**  
HRG: No comment.
4. HRG: The design storm volumes in the Stormwater Management Report do not match the volumes required to use per the SWM Ordinance, listed in section 374-14L(1).  
**MKA: Please refer to the revised PCSM narrative for the updated stormwater volumes.**  
HRG: No comment.
5. HRG: For existing impervious area, 20% shall be considered meadow in good condition to model calculations [374-16A(3)(b)].  
**MKA: Per a phone conversation with the township engineer (Rob Arnold), this isn't a requirement for the project.**  
HRG: For clarification purposes, the previous comment regarding the requirement that 20% of existing impervious area shall be considered meadow in good condition to model calculations [374-16A(3)(b)] applies to runoff volumes, not rates. The Applicant has provided such calculations.
6. HRG: Device 5 on page 23 in the PCSM report is labeled as secondary routing but appears to flow through the 12-inch culvert (device 1). Please confirm whether it should be routed as primary, not secondary.  
**MKA: Please refer to the updated PCSM Report. The 12-inch culvert is listed as primary while all other orifices and weirs are listed as device 1.**  
HRG: No comment.
7. HRG: Please review the invert elevations from page 23 in the PCSM report against the details provided on Sheet C300 of the plan set to ensure consistency.  
**MKA: The HydroCAD Outlet Control Structure model has been updated to match the detail on sheet C300.**  
HRG: The Applicant is requested to confirm that the invert elevations from page 14 in the PCSM report match the details provided on Sheet C300 of the plan set to ensure consistency. It appears that an additional 5" orifice is listed at elevation 981.05 on page 14, and the weir plate elevation is listed as 981.05 on Page 14 and shown as elevation 981.55 on Sheet C300.

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8. HRG: The proposed development in "post" condition does not appear to be factored into the predevelopment drainage areas. Pre and Post areas should match to receive an accurate runoff volume from the site.  
**MKA: Please refer to the updated drainage area maps in the PCSM narrative. The "Post" condition includes more area, as the Point of Interest 1 is capturing more runoff on-site than the pre-development site.**  
HRG: No comment
9. HRG: The required SWM signature block shall be located on the PCSM Plan [§374-21D].  
**MKA: Please refer to sheet C300 for included SWM signature block.**  
HRG: The signature block shown on sheet C300 is outdated. The Applicant must refer to the current version of §374-21.D for the correct language.
10. HRG: The Applicant shall execute a formal updated Operations and Maintenance Agreement for the stormwater management facilities with the Township [§374-30].  
**MKA: Acknowledged.**  
HRG: The Applicant has acknowledged that a formal updated Operations and Maintenance Agreement for the stormwater management facilities is required to be executed with the Township [§374-30].
11. HRG: A minimum 15-foot easement should be provided for all utilities, including but not limited to the proposed SWM system [§374-20].  
**MKA: Please refer to sheet C300 for the proposed additional 15' Storm Sewer Easement.**  
HRG: No comment.
12. HRG: The staging area for the E&S controls is located on an adjacent property. Please provide confirmation of an agreement with the neighboring property owner to grant access.  
**MKA: The agreement will be included in the sales agreement document. The sales agreement document is currently being signed.**  
HRG: The Applicant has acknowledged that an agreement with the neighboring property owner is required to place the staging area for the E&S controls on the adjacent property.
13. HRG: Please review the merging lanes prior to entering the car wash. The lines shown on the plan (Sheet C200) appear to show the membership lane running into the curb.  
**MKA: The VIP membership lane merges into the middle pay station lane.**  
HRG: No comment.
14. HRG: Tract boundaries with bearings and distances should be included in the plan set [385-16.B(6)].  
**MKA: Please refer to sheet C100 for the existing tract boundary with bearings.**  
HRG: No comment.

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15. HRG: Sufficient data, including bearing and length, to locate every street, lot, easement, right-of-way and boundary line upon the ground should be shown [385-17B(8)].

**MKA: Please refer to sheet C100 for all existing condition information.**

HRG: No comment.

16. HRG: The location of all sanitary and storm sewer easements shall be shown on the plan [385-17B(11)] [385-17.1]

**MKA: Please refer to sheet C100 for the existing sanitary and storm sewer easements.**

HRG: No comment.

17. HRG: Permanent reference monuments shall be shown on the plan and designated existing or proposed [385-17B(17)].

**MKA: Please refer to updated Subdivision Plan, all monuments have been set and are shown on the plan.**

HRG: No comment.

18. HRG: In the PCSM report, it states that there will be a rock construction entrance, however, there is not one shown on the plan.

**MKA: No Rock Construction Entrance is anticipated for this project, It has been removed from the PCSM report.**

HRG: No comment.

Comments related to Subdivision Submission:

19. HRG: The application should be submitted to and approved by the Allegheny County Planning Department [350-15C]

**MKA: Allegheny County Planning Department comments have been addressed.**

HRG: No comment.

20. HRG: A graphic scale should be included on the subdivision plan [350-17A(2)].

**MKA: Please refer to the updated Subdivision Plan with included graphic scale.**

HRG: No comment.

21. HRG: The entire existing tract boundary with bearings and distances as per the deed should be shown on the plan [350-17.A(6)].

**MKA: Please refer to the updated Subdivision Plan with included deed/plan bearings and distances.**

HRG: No comment.

22. HRG: In addition to the area that shows the total acreage, zoning information should be provided on the subdivision plan [350-17.A(8)].

**MKA: Please refer to the updated Subdivision Plan with included zoning table.**

HRG: No comment.

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23. HRG: Existing contours per Section 350-17.A(12) should be shown at a minimum vertical interval of two (2) feet.

**MKA: Please refer to sheet C100 for existing site contours.**

HRG: No comment.

24. HRG: Location of existing utilities, including sewer, water and gas, etc. shall be shown on the plan [350-17.A(11)].

**MKA: Please refer to sheet C100 for existing utilities.**

HRG: No comment.

25. HRG: The plan does not clearly show the intentions of the boundary that is to be changed on the plan. Please provide notes and symbology of what lot line is to be removed, and what line is the proposed new boundary.

**MKA: Please refer to the updated Subdivision Plan with added notes indicating the proposed lot line changes.**

HRG: No comment.

*New comment from HRG from May 12, 2023 communication, Item #6: The applicant has submitted a design for a retaining wall along the western edge of the property. It is a maximum height of 4.5', proposed to be constructed of materials suitable for a wall of that height, and is signed and sealed by a Professional Engineer registered in the Commonwealth of Pennsylvania. Therefore, it is in conformance with the requirements of both the Grading and Drainage and Subdivision and Land Development Ordinances.*

Mr. Arnold stated that since the last meeting, the developer has addressed the majority of the issues that were raised. Mr. Arnold recommends approval with conditions that the final items be addressed, although he is aware that there is another issue tied to property ownership that will be discussed shortly and is alluded to in comment #25 of HRG's initial letter.

Mr. Wolfgang stated that he was unable to find a site survey or stamped drawing in the latest submission. Mr. Arnold stated that stamped drawings are required. It may have been on the electronic drawings, but it is not on the paper drawings. The subdivision will not be able to be recorded without it.

Mr. Nicholas Markovic, EIT, Morris Knowles discussed the retaining wall and the guardrail that will be placed along the top of it. Mr. Wolfgang questioned whether or not this was detailed in the drawings. Mrs. Vargo pointed out that the retaining wall and guardrail are shown on page C-200. Mr. Wolfgang questioned whether the guiderail was like the type of guiderail seen on the highway. Mr. Markovic acknowledged this.

Mrs. Vargo stated that one of the things that the Planning Commission requested at the last meeting was an agreement with AutoZone to allow Modwash to use their parking lot as a staging area for the construction. Mr. Zimmerman from Morris Knowles forwarded a copy of an email from Devin Baker, Hutton regarding that. The email from Devin is a



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forward of an email from Jan Young, III, of AutoZone to Karen Hutton, Founder of Hutton. On page two of that email, it appears that Mr. Young is providing a synopsis of an earlier telephone call with Ms. Hutton, as follows: *"The Hutton team will determine if it will be purchasing AutoZone's leasehold interest from the landlord or if a permanent easement will be obtained in lieu of purchase. A second document will outline the details of how this acquired property should be maintained with regard to improvements, landscaping utilities, taxes, insurance, etc."*

Mrs. Vargo stated that the problem with that is that in order to subdivide the land, Hutton needs to buy the property from AutoZone, not sublease it. At last month's Planning Commission meeting the Planning Commission requested an (contingent) agreement of sale, which to date has not been provided.

Mr. Devin Baker, Development Project Engineer with Hutton, stated that they are currently waiting on AutoZone to approve the drawings. AutoZone is on board. Hutton will be buying the property from the landlord, who is Agree Realty out of Michigan. They needed AutoZone's approval before they are willing to sign a purchase of sale agreement. Mr. Baker stated that he is still working on finalizing this detail.

Ms. Greco questioned whether or not the Planning Commission could move forward with an approval, without the sales agreement. Ms. Vargo stated that she did not recommend that the Planning Commission make a recommendation on the subdivision without a(n) (contingent) agreement of sale. The developers will be required to execute a request for an extension of time for the Board to render a decision. Alternatively, the Board of Commissioners would be forced to deny the application as incomplete, because the 90-day clock will expire.

The following items will be required from Modwash:

- 1) Subdivision with an engineering stamp (Stamped Drawings)
- 2) Developer's Agreement and Stormwater Maintenance Agreement
- 3) (Contingent) Purchase Agreement between Agree Stores and Hutton for the property acquisition identified in the subdivision drawings.
- 4) Temporary construction easement agreement for construction of the parking lane and wall between AutoZone (Agree) and Hutton.
- 5) Responses to Mr. Arnold's outstanding issues outlined in his communication of May 12<sup>th</sup>, as follows:
  - a. The applicant is requested to confirm that the invert elevations from page 14 in the PCSM report match the details provided on Sheet C300 of the plan set to ensure consistency. (Comment #2)
  - b. The SWM signature block shown on sheet C300 is outdated. (Comment #3)

The Planning Commission did not take action, but advised the developer to sign the extension request and provide all of the required documents. Once complete, the Planning Commission can act on the development at their June meeting.

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### **GTRP GRANT APPLICATION:**

Intern Tristan Matthews reviewed a recently completed grant application with the Planning Commission members. The grant application requires a recommendation from the Planning Commission. The grant application is for phase three of a three phase rehabilitation of the sports courts at Eastmont Park. Phase 3 work includes placing a new basketball court, striping, fencing and installation of a water fountain.

Mr. Wolfgang questioned whether the trail between Calmont and the park could be upgraded by using grant funding? Ms. Vargo stated that she could check on this for a future grant, assuming that the Township has control over the trail. Mr. Wolfgang also questioned why the fencing had been taken down at the courts. Mrs. Vargo stated that the courts were all going to be paved within the next month.

It was **MOVED DERISO-HOFFMAN** to recommend approval of the grant application for upgrades to the sport courts at Eastmont Park. All in favor and so ordered.

The next meeting of the Planning Commission is scheduled for June 21, 2023

### **ADJOURNMENT:**

It was **MOVED WOLFGANG-CAMPBELL** to adjourn the meeting. The meeting was adjourned at 7:44 PM. All in favor and so ordered.

Respectfully Submitted,



Rebecca Vargo,  
Secretary

# NJBarton, LLC

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*June 26, 2023*

*Ms. Rebecca Vargo, Manager  
Wilkins Township  
110 Peffer Road  
Turtle Creek, PA 15145*

*RE: Golden-Buncher Subdivision and Consolidation Plan*

*Dear Ms. Vargo,*

*Per our phone conversation, please find attached the following for the above-referenced project:*

- Three (3) copies of the plan for recording*
- One (1) copy of the Subdivision and Land Development review application*
- Review fee of \$500.00*

*Please do not hesitate to contact me with any questions at 412-855-0929.*

*Best regards,*

*Christine E. Barton*

*Christine Barton, PE PLS*

**SUBDIVISION AND LAND DEVELOPMENT REVIEW APPLICATION****MPC §502(b) County Advisory Review**

**COUNTY REVIEW REQUIRED:** Municipality has adopted a subdivision and land development ordinance

Complete and submit with plans and other information M-F, 8:30 AM - 4:00 PM to:  
ACED Planning Division, One Chatham Center, Suite 900, 112 Washington Place, Pittsburgh, PA 15219

For questions, help, or additional information please email [ACEDPlanning@alleghenycounty.us](mailto:ACEDPlanning@alleghenycounty.us)

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**Part 1: General Information**

**Property Owner:** Buncher Company (542-F-30)

**Contact Name:** Christine M. Dolfi **Phone:** 412-422-9900 ext 267  
**Email Address:** cdolfi@buncher.com  
**Mailing Address:** One Waterfront Place, 1251 Waterfront Place, Suite 201  
Pittsburgh, PA 15222

**Name of Applicant:  
and Property Owner:** Amber C. Golden (542-F-56)

**Contact Name:** Matthew A. Fiscus, Esquire **Phone:** 412-456-9700  
**Email Address:** mfiscus@fiscusball.com  
**Mailing Address:** 101 Gilmore Drive  
Pittsburgh, PA 15235-5259

**Plan Preparer:** NJBarton, LLC

**Contact Name:** Nile J. Barton, PLS **Phone:** 412-855-3048  
**Email Address:** njbartonllc@gmail.com  
**Mailing Address:** 2000 Boles Court  
Bethel Park, PA 15102

**Application Status:** ☐ Preliminary Plan ☒ Final Plan

**Application Type:**

- ☐ Plat Adj./Lot Consolidation  
☒ Minor Subdivision/Site Development  
☐ Major Subdivision/Site Development

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**Part 2: Location Information**

**Project Name:** Golden-Buncher Subdivision and Consolidation Plan

**Municipality:** Wilkins Township

Address/Location of Project: 101 Gilmore DrivePittsburgh, PA 15235

Tax Map Parcel(s) #:

542-F-56542-F-30

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**Part 3: Zoning Information**

Zoning:

Existing: "R-3" and "C"Proposed: n/a (if applicable)Variances Requested: ☐ Yes ☒ No (if yes, please attached description of all variances requested or approved)Conditional Use: ☐ Yes ☒ NoSpecial Exception: ☐ Yes ☒ No

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**Part 4: Project Information**Total Plan Area: 3.469 acres (acres)151,102.86 sf (square feet)Total Acreage to be Developed: n/aTotal Impervious Area (Sq. Ft.): n/aTotal Building Area (Sq. Ft.): n/a

Phasing:

Is the development proposed to be constructed in phases? ☐ Yes ☒ No

If Yes, a phasing plan and a schedule of the projected dates that the final application for each phase will be filed must be provided.

Proposed Utilities:

	Water	Sewer
Public:	<input type="checkbox"/>	<input type="checkbox"/>
Onsite:	<input type="checkbox"/>	<input type="checkbox"/>

Street Information:

Ownership (check any that apply):

<input type="checkbox"/> State	<input type="checkbox"/> Local
<input type="checkbox"/> County	<input type="checkbox"/> Private

Lineal feet of new streets: 0'

**Part 5: Notification to Others**

As applicable, the following agencies have been notified about the proposed subdivision or site development:

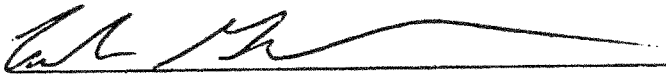
- ☐ County Health Department  
Date: n/a
- ☐ County Public Works  
Date: n/a
- ☐ County Conservation District  
Date: n/a

- ☐ PennDOT  
Date: n/a
- ☐ PA DEP  
Date: n/a
- ☐ Other: \_\_\_\_\_  
Date: n/a

The applicant declares the following:

- ☒ He/she is the owner of the property in question; OR
- ☐ He/she is the authorized agent for the owner of record to the property for which the application is made; OR
- ☐ He/she is a beneficial land owner as defined by the PA Municipalities Planning Code (MPC). If this box is checked, a copy of the agreement recorded with the ACDRE authorizing the applicant to subdivide or develop the property must be provided.

*I/We hereby submit the enclosed land development application to the Allegheny County Department of Economic Development for review and consideration in accordance with the PA Municipalities Planning Code (Act 247 of 1968, as amended) and Art. III §780-302 of the Allegheny County Subdivision and Land Development Ordinance:*

  
Signature of Applicant

2/14/2023  
Date

Revised August 2021

NJBARTON LLC  
2000 BOLES CT  
BETHEL PARK, PA 15102

60-7311/2433

2383

DATE June 24, 2023



PAY TO  
THE ORDER OF

TOWNSHIP OF WILKINS

DOLLARS

Heat  
Reactive  
Ink

\$ 500.00



GOLDEN BUNCHER SUB &  
MEMO CONSOL. PLAN FEE

⑆243373112⑆ 1600029787⑈

2383

W. G. Burton

MP

LOOK FOR FRAUD-DETECTING FEATURES INCLUDING THE SECURITY SQUARE AND HEAT-REACTIVE INK. DETAILS ON BACK.



Penn Liberty Plaza I  
1300 Penn Avenue, Suite 300  
Pittsburgh, PA 15222-4211  
(412) 422-9900

November 4, 2022

VIA CERTIFIED MAIL/RETURN RECEIPT AND UPS

Ms. Amber C. Golden  
101 Gilmore Drive  
Pittsburgh, PA 15235

RE: Village at Showcase Shopping Center, 3459-3469 William Penn Highway, Wilkins Township, PA

SUBJECT: 101 Gilmore Drive Property Encroachment

Dear Ms. Golden:

On June 23, 2022, The Buncher Company ("Buncher") acquired the retail center known as the Village at Showcase (the "Buncher Property"). Your property located at 101 Gilmore Drive, Pittsburgh, PA 15235 ("the Gilmore Property") abuts and encroaches onto the Buncher Property. In fact, a portion of your driveway and wall significantly encroach on the Buncher Property. Michael Kutzer, the Vice President of Real Estate, previously spoke with you regarding this matter at which time you indicated that you had documentation that resolved this matter. To date, we have not received anything from you that provides for a resolution and, in fact, our title search did not reveal anything of record.

As you are also aware, a prior owner of the Gilmore Property acknowledged the encroachment and agreed to correct the encroachment in the future upon reasonable notice. That Acknowledgment is recorded in the Allegheny County Department of Real Estate in Book Volume 5663, Page 480, a copy of which is enclosed. Rather than requiring you to relinquish the portion of the Gilmore Property that encroaches onto the Buncher Property, Buncher proposes the following:

1. Within ten days of the date of this letter, you will provide Buncher with a certificate of insurance from your insurance company naming "The Buncher Company" as an additional insured on your homeowner's insurance policy.
2. Buncher will convey to you 0.049 acres of land ("the encroachment area") as set forth on the NJ Barton, LLC proposal that is enclosed, provided that you pay for the cost of the Subdivision and Lot Consolidation ("Subdivision") in an amount of \$3,400 (which may be adjusted if Mr. Barton's proposal increases), together with any other fees associated with the Subdivision recordation and approval. Simultaneously with the recordation of the Subdivision, Buncher will prepare a Quit Claim Deed to convey to you the encroachment area. Buncher will have the document recorded and you shall be responsible for the cost of said recording. Buncher is willing to convey the encroachment area to you without cost.



Ms. Amber C. Golden  
November 4, 2022  
Page Two

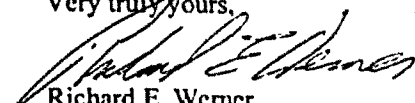
You will only incur the costs of the Subdivision and Deed recordation. We will not agree to use an alternative surveyor for this matter.

3. Butcher will prepare and you will execute a recordable Release of the Acknowledgement that is referenced above. Buncher will record the Release and pay for the cost of recording.

Buncher believes that this offer is more than fair to remedy the encroachment issue, and certainly the Release will be less costly to you than moving the portion of the wall and driveway off of the encroachment area. If you agree to the above terms, please sign and date the below acknowledgement and return a copy of the letter to us within ten (10) days of the date of this letter, together with the certificate of insurance requested in Item 1 above. Buncher's preference is to resolve the matter amicably, however if you do not agree to the above, we will proceed with the necessary legal action to reclaim the encroachment area.

If you have any questions or would like to discuss the matter further, please feel free to contact Christine Dolfi at 412-422-9900, extension 267.

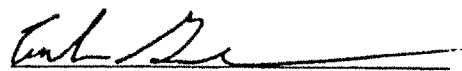
Very truly yours,

  
Richard E. Werner  
General Counsel

CMD/jms  
Enclosures

The undersigned hereby acknowledges receipt of the above notice and the facts stated therein. The undersigned further agrees to be bound by the proposal set forth in this letter to remedy the encroachment issue.

Dated: Dec 28 2022

  
Amber C. Golden



Allegheny County  
Jessica Garofolo  
Department of Real Estate  
Pittsburgh, PA 15219

Instrument Number: 2022-19636

BK-DE VL-18950 PG-221

Recorded On: June 24, 2022

As-Deed

Parties: N A I ACQUISITION GROUP L P

To BUNCHEER CO

# of Pages: 7

Comment:

\*\*\*\*\* THIS IS NOT A BILL \*\*\*\*\*

Deed 181.75  
0  
0  
Total: 181.75

**Realty Transfer Stamp**

Affidavit Attached-No	Stamp Num-T188359
WILKINS TP	
Ward-99-NO WARD	
Value	4,950,000.00
Commonwealth of Pennsylvania	49,500.00
Munic-Wilkins Twp	24,750.00
School District-Woodland Hills	24,750.00
Munic-Penalty	0.00
Munic-Interest	0.00
School-Penalty	0.00
School-Interest	0.00
	99,000.00

**Department of Real Estate Stamp**

Certified On/By-> 06-24-2022 / Angela Gans  
0542F00030000000

I hereby certify that the within and foregoing was recorded in the Department of Real Estate in Allegheny County, PA

**\*\*DO NOT REMOVE-THIS PAGE IS PART OF THE RECORDED DOCUMENT\*\***

**File Information:**

**Record and Return To:**

Document Number: 2022-19636

Receipt Number: 4133989

Recorded Date/Time: June 24, 2022 03:02:28P

Book-Vol/Pg: BK-DE VL-18950 PG-221

User / Station: S Stickman - CASH 04

FIRST AMERICAN TITLE INSURANCE COMPANY

NATIONAL COMMERCIAL SERVICES

310 GRANT ST STE 1601

PITTSBURGH PA 15219



*Jessica Garofolo*

Jessica Garofolo, Director  
Rich Fitzgerald, County Executive

This instrument prepared by:

~~Scott W. Irmscher, Esquire  
Buchanan Ingersoll & Rooney PC  
Union Trust Building  
501 Grant Street, Suite 200  
Pittsburgh, Pennsylvania 15219-1410~~

When Recorded Return To:  
First American Title Insurance Company  
National Commercial Services  
310 Grant Street, Suite 1601  
Pittsburgh, PA 15219  
File No: NCS 1114077 6 pgs

### SPECIAL WARRANTY DEED

Made the 22<sup>nd</sup> day of June, 2022, but effective as of the 23<sup>rd</sup> day of June, 2022, between

**NAI ACQUISITION GROUP, L.P.**, a Pennsylvania limited partnership (the "Grantor"),

and

**THE BUNCHER COMPANY**, a Pennsylvania corporation (the "Grantee").

**WITNESSETH**, that the Grantor, in consideration of the sum of FOUR MILLION NINE HUNDRED FIFTY THOUSAND and No/100 Dollars (\$4,950,000.00), the receipt of which is hereby acknowledged, and intending to be legally bound, does hereby grant, bargain, sell, convey, and transfer to the Grantee, its successors and assigns, all right, title, and interest of the Grantor in and to:

**ALL THAT CERTAIN** lot or piece of land situate in the Township of Wilkins, County of Allegheny and Commonwealth of Pennsylvania, being more fully described in Exhibit A attached hereto and made a part hereof (the "Property").

**TOGETHER WITH** all and singular the building erected thereon, improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, tenements, hereditaments, easements, rights-of-way, and appurtenances thereunto belonging, or in any way appertaining, and the reversions, remainders, rents, issues and profits thereof, and also all the estate, right, title, interest, property, claim and demand whatsoever, as well in law as in equity, of the Grantor, of, in or to the above described property including (to the extent owned and conveyable by the Grantor and with no warranty of title) all mineral, oil, gas, coal and other hydrocarbon substances on or under the described Property, and every part and parcel thereof, with the appurtenances.

**SUBJECT TO** all rights-of-way, easements, restrictions, reservations, exceptions, rights, agreements, and any other matters of public record or which would be apparent upon an accurate survey or inspection of the Property.

**BEING** known as Allegheny County, Pennsylvania Parcel ID Number 542-F-30.

**BEING** part of the same property which National Amusements, Inc., a Maryland corporation, by its deed dated May 29, 2007 and recorded in the Department of Real Estate of Allegheny County, Pennsylvania on May 31, 2007, in Deed Book Volume 13253, Page 539, granted and conveyed to NAI Acquisition Group, L.P., the Grantor herein.

**TO HAVE AND TO HOLD** the same to and for the use of the Grantee, its successors and assigns forever, and the Grantor, for itself and its successors and assigns, hereby covenants and agrees that it will **WARRANT SPECIALLY** title to the Property hereby conveyed.

**NOTICE -- THIS DOCUMENT MAY NOT/DOES NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE/HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT.** [This notice is set forth in the manner provided in Section 1 of the Act of July 17, 1957, P.L. 984, as amended, and is not intended as notice of unrecorded instruments, if any.]

[Remainder of Page Intentionally Blank]

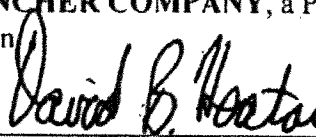


**NOTICE** THE UNDERSIGNED, AS EVIDENCED BY THE SIGNATURE(S) TO THIS NOTICE AND THE ACCEPTANCE AND RECORDING OF THIS DEED, (IS, ARE) FULLY COGNIZANT OF THE FACT THAT THE UNDERSIGNED MAY NOT BE OBTAINING THE RIGHT OF PROTECTION AGAINST SUBSIDENCE, AS TO THE PROPERTY HEREIN CONVEYED, RESULTING FROM COAL MINING OPERATIONS AND THAT THE PURCHASED PROPERTY, HEREIN CONVEYED, MAY BE PROTECTED FROM DAMAGE DUE TO MINE SUBSIDENCE BY A PRIVATE CONTRACT WITH THE OWNERS OF THE ECONOMIC INTEREST IN THE COAL. THIS NOTICE IS INSERTED HEREIN TO COMPLY WITH THE BITUMINOUS MINE SUBSIDENCE AND LAND CONSERVATION ACT OF 1966.

**THE BUNCHER COMPANY**, a Pennsylvania corporation

By: \_\_\_\_\_

David B. Heaton  
President/CEO



#### **CERTIFICATE OF RESIDENCE**

I hereby certify that (1) FOR THE PURPOSE OF DELIVERY OF TAX STATEMENTS ONLY the precise address of the Grantee is 1300 Penn Avenue, Suite 300, Pittsburgh, PA 15222, and (2) FOR ALL OTHER PURPOSES (including delivery of assessment change notices) the precise residence of the Grantee is 1300 Penn Avenue, Suite 300, Pittsburgh, PA 15222

\_\_\_\_\_  
Grantee/Agent for Grantee

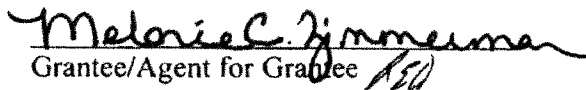


EXHIBIT A TO SPECIAL WARRANTY DEED

Property

**Vesting Legal Description:**

ALL THAT CERTAIN lot or tract of land situate in the Township of Wilkins, County of Allegheny, and Commonwealth of Pennsylvania, being known as Parcel A Revised, as shown on a certain plan entitled NAI Acquisition Group, L.P. Plan No. 1 - Revision No. 1, being a Subdivision of Parcel A in the NAI Acquisition Group, L.P. Plan No. 1 PBV 262 PG. 145, 401,241 SQ. FT., 9.211 acres, as recorded in the Department of Real Estate Office of Allegheny County, Pennsylvania in Plan Book Volume 270, page 137.

**As Surveyed Legal Description:**

Beginning at a point, said point being a rebar located on the northerly right-of-way line of William Penn Highway, State Route 22, variable width, and being a southeasterly corner of Parcel "C" in the NAI Acquisition Group, L.P. Plan No. 1 – Revision No. 1, as recorded in plan book volume 270, page 137; thence along the southerly line of said Parcel "C" N 80° 07' 59" E for a distance of 17.86 feet to a rebar; thence along the easterly line of said Parcel "C" N 08° 13' 26" E for a distance of 238.16 feet to a rebar on the easterly line of Parcel "B-2" Revised in the NAI Acquisition Group, L.P. Plan No. 1 – Revision No. 2, as recorded in plan book volume 272, page 158; thence along said line of Parcel "B-2" Revised the following courses and distances: N 00° 31' 55" W for a distance of 127.34 feet to a rebar; thence N 75° 29' 33" E for a distance of 28.74 feet to a rebar; thence S 87° 34' 16" E for a distance of 13.07 feet to a rebar on the southwesterly corner of Lot 1 in the Eastmont Plan No. 1, as recorded in plan book volume 50, page 3; thence along the southerly line of said Lot 1 and the line of Lot 2 in said plan, in an easterly direction by a curve to the left having a radius of 2,446.09 feet for an arc distance of 276.72 feet to a point on the westerly right-of-way line of Kingston Drive, 60 feet wide; thence along said westerly right-of-way line S 02° 42' 03" E for a distance of 374.02 feet to a rebar; thence along said right-of-way line and the aforementioned right-of-way line of William Penn Highway the following courses and distances: in a southwesterly direction by a curve to the right having a radius of 25.00 feet for an arc distance of 39.01 feet to a rebar; thence in a westerly direction by a curve to the right having a radius of 2,824.93 feet for an arc distance of 363.66 feet to a point; thence through said right-of-way N 04° 03' 54" E for a distance of 20.00 feet to a rebar, said rebar being the point of beginning.





Allegheny County  
Valerie McDonald Roberts  
Department of Real Estate  
Pittsburgh, PA 15219

Instrument Number: 2009-34519

BK-DE VL-14142 PG-454

Recorded On: December 29, 2009 As-Deed

Parties: BROCKWAY TONI A TRSTE

To GOLDEN AMBER C

# of Pages: 5

Comment:

\*\*\*\*\* THIS IS NOT A BILL \*\*\*\*\*

Deed 78.50

Pages > 4 0

Names > 4 0

Total: 78.50

**Realty Transfer Stamp**

Affidavit Attached-No	Stamp Num-T383004
<b>WILKINS TP</b>	
Ward-99-NO WARD	
Blk/Lot-542B56	Value 100,000.00
Commonwealth of Pennsylvania 1,000.00	
Munic-Wilkins Twp 500.00	
School District-Woodland Hills 500.00	
Munic-Penalty 0.00	
Munic-Interest 0.00	
School-Penalty 0.00	
School-Interest 0.00	
<b>2,000.00</b>	

**Department of Real Estate Stamp**

Valerie McDonald Roberts, Manager		BLOCK AND LOT NUMBER	
		542-B-56	
Date: / / - Ink. By:		VS	
1-4-2010			

I hereby certify that the within and foregoing was recorded in the Department of Real Estate in Allegheny County, PA

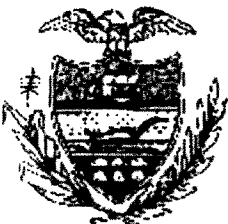
**\*\*DO NOT REMOVE-THIS PAGE IS PART OF THE RECORDED DOCUMENT\*\***

**File Information:**

Document Number: 2009-34519  
Receipt Number: 1493460  
Recorded Date/Time: December 29, 2009 11:12:20A  
Book-Vol/Pg: BK-DE VL-14142 PG-454  
User / Station: T Smith - Cash Station 22

**Record and Return To:**

JAMES JOHN LOME0  
WILL CALL  
PITTSBURGH PA 15219



Valerie McDonald Roberts, Manager  
Dan Onorato, County Executive

James Johnlameo  
will call  
Pages 4

**THIS INDENTURE  
SPECIAL WARRANTY**

Made the 28<sup>th</sup> Day of December, 2009

**BETWEEN Toni A. Brockway, Trustee of Roy S. Temeles Trust**, (hereinafter called Grantors), of the party of the first part,

**AND Amber C. Golden**, ( hereinafter called Grantees), of the party of the second part,

**WITNESSETH**, That the said Grantors for and in consideration of the sum of *ONE HUNDRED THOUSAND and 00/100 DOLLARS (\$100,000.00)*, lawful money of the United States of America, unto *them* well and truly paid by the said Grantees, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, have granted, bargained and sold, released and confirmed, and by these presents do grant, bargain and sell, release and confirm unto the said Grantees, *their* heirs and assigns.

ALL THAT CERTAIN lot or piece of ground situate in the Township of Wilkins, County of Allegheny, and Commonwealth of Pennsylvania, being Lot No. 2 in Eastmont Plan No. 1, as recorded in the Department of Real Estate, Allegheny County, Pennsylvania in Plan Book Volume 50, pages 3 and 4, and being more fully bounded and described therein.

BEING designated as Block 542-B, Lot 56 in the Deed Registry Office of Allegheny County, Pennsylvania.

BEING the same property that Roy S. Temeles and Evelyn Temeles conveyed to Roy S. Temeles Trust by deed dated June 8, 2004 and recorded in the Department of Real Estate, Allegheny County, Pennsylvania in Deed Book Volume 14021, page 520. Roy S. Temeles died on May 9, 2009.

The scrivener of this deed did not perform a title search nor verify the accuracy of the information in this deed. The information in this deed was provided by the Grantor and Grantee.

UNDER AND SUBJECT to all easements, rights of ways, covenants, restrictions, reservations, exceptions and any other conditions of record.

TOGETHER with all and singular the *buildings* and improvements, right-of-ways, easements, ways, streets, alleys, driveways, passages, waters, water-courses, rights,

liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in any wise appertaining, and the reversions and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of *them* the said grantors, as well at law as in equity, of, in and to the same.

TO HAVE AND HOLD the said lot or piece of ground above described, with the *building and improvements thereon erected*, hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, *their* heirs and assigns forever.



AND the said Grantors, for themselves, their heirs, executors and administrators do covenant, promise and agree to and with the said Grantees, their heirs and assigns, by these present, that they *will warrant specially the property hereby conveyed*.

COAL NOTICE. This document may not sell, convey transfer, including or insure the title to the coal and right of support underneath the surface land described herein, and the owner(s) of such coal may have the complete legal right to remove all such coal and in that connection damage may result to the surface of the land and any house, building or other structure on or in such land, the inclusion of this notice does not enlarge, restrict or modify any legal rights or estates otherwise created, transferred, excepted or reserved by this instrument.

**IN WITNESS WHEREOF**, the party of the first part have hereunto set their hands and seals. Dated the day and year first above written.

SEALED AND DELIVERED

In the presence of us:

  
Toni A. Brockway, Trustee of  
Roy S. Temeles Trust

**NOTICE: THE UNDERSIGNED, AS EVIDENCED BY THE SIGNATURE(S) TO THIS NOTICE AND THE ACCEPTANCE AND RECORDING OF THIS DEED ARE FULLY COGNIZANT OF THE FACT THAT THE UNDERSIGNED MAY NOT BE OBTAINING THE RIGHT OF PROTECTION AGAINST SUBSIDENCE, AS TO THE PROPERTY HEREIN CONVEYED, RESULTING FROM COAL MINING OPERATIONS AND THAT THE PURCHASED PROPERTY, HEREIN CONVEYED, MAY BE PROTECTED FROM DAMAGE DUE TO MINE SUBSIDENCE BY A PRIVATE CONTRACT WITH THE OWNERS OF THE ECONOMIC INTEREST IN THE COAL. THIS NOTICE IS INSERTED HEREIN TO COMPLY WITH THE BITUMINOUS MINE SUBSIDENCE AND LAND CONSERVATION ACT OF 1966.**

Witness:

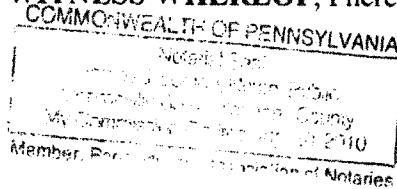
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Commonwealth of Pennsylvania)  
County of Allegheny ) SS:

On this, the 28<sup>th</sup> Day of December, 2009 before me, a Notary Public, the undersigned officer, personally appeared **Toni A. Brockway, Trustee of Roy S. Temeles Trust**, known to me or satisfactorily proven to be the *persons* whose *names are* subscribed to the within instrument, and acknowledged that *they* executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



Notary Public

I, hereby certify the **Tax Billing Address** of the within named grantee is:

Amber Golden  
Name or Mortgage Company

101 Gilmore Drive  
Address

Pittsburgh, Pa 15235  
City, State and Zip Code

I, hereby certify the **Owner's Mailing Address** of the within named grantee is:

Amber Golden  
Name

101 Gilmore Drive  
Address

Pittsburgh, Pa 15235  
City, State, and Zip Code

I, hereby certify that the Grantee's precise residence is 101 Gilmore Drive, Pittsburgh, PA 15235. Tax assessments shall be sent to Owner's Mailing Address.

James J. Lomeo, Agent of Grantee



Herbert, Rowland & Grubic, Inc.  
220 West Kensing Drive, Suite 100  
Cranberry Township, PA 16066  
724.779.4777  
www.hrg-inc.com

Via Email

August 3, 2023

Mrs. Rebecca Vargo  
Township Manager  
Township of Wilkins  
110 Pepper Road  
Turtle Creek, Pennsylvania, 15145

Re: **Golden-Buncher Subdivision, Plan Review 02**  
**Wilkins Township, Allegheny County, PA**

Dear Mrs. Vargo:

Herbert, Rowland & Grubic, Inc. (HRG) has received the following materials related to the referenced submission:

- **Golden-Buncher Subdivision and Consolidation Plan (1 sheet)**, prepared by NJBarton, LLC and dated August 1, 2023.
- **Comment Letter**, prepared by Allegheny County Economic Development, and dated July 31, 2023.

As requested, we have completed a review of the submitted information with respect to the Subdivision and Land Development Ordinance (Chapter 385) and Zoning Ordinance (Chapter 450). The comments below are based on the review of the listed submitted material. The comments do not address specific requirements that other regulatory agencies such as the Pennsylvania Department of Environmental Protection (PADEP), PennDOT, or the Allegheny County Conservation District may have, although permits or approval letters from these agencies may be required as a condition of plan approval.

The purpose of this submission is to cure an encroachment of the property owned by Amber C. Golden at 101 Gilmore Drive onto the property owned by Buncher Company at 3459 William Penn Highway.

It is our opinion that the Applicant has adequately responded to comments provided by both HRG and Allegheny County. HRG would support a recommendation of approval of the Golden-Buncher Subdivision and Consolidation Plan. If you have any questions regarding these comments, please do not hesitate to call me.

Sincerely,

**Herbert, Rowland & Grubic, Inc.**

A handwritten signature in blue ink that reads "Robert L. Arnold".

Robert L. Arnold, P.E.  
Team Leader | Civil

RLA/kmg  
R006303.0426

project\0063\006303\_0426\2023.08.03 golden buncher pr02.docx



July 31, 2023

Rebecca Vargo  
Township Manager  
Township of Wilkins  
110 Pepper Road  
Turtle Creek, PA 15145-1192

Project: **Golden-Buncher Subdivision and Consolidation Plan**  
Location: 101 Gilmore Drive  
Description: Lot Line Revision (R-3 and C District)  
Area: 3.469 acres  
ACED File#: 23-187 SU

Dear Ms. Vargo:

We received the above-referenced application on July 6, 2023 for a lot line revision between parcel ID #s 542-B-56 and 542-F-30 on Gilmore Drive Wilkins Township. We have reviewed the application and offer the following comments:

- In the notes section of the plan, there is a typographical error. Please revise parcel 542-F-56 to be 542-B-56.
- The Owner's Adoption clause for the Buncher Company states that they are the "owner of the 2,157.46 square feet of land". The Buncher Company is the owner of parcel 542-F-30, which is 134,784.56 square feet. Please revise this section of the clause to state the owner of the land or owner of a portion of the land.
- William Penn Highway S.R. 2048 is a state road and must be labeled as such. Additionally, the following Penn DOT HOP notice must be on the plan.
  - A highway occupancy permit is required pursuant to § 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law" before driveway access to a State highway is permitted.

23-187 SU  
Wilkins Township

Should you have any questions, please contact Jaclyn Karolski at (412) 350-1049 or at [jaclyn.karolski@alleghenycounty.us](mailto:jaclyn.karolski@alleghenycounty.us).

Sincerely,

A handwritten signature in blue ink, appearing to read "Matthew T. Trepal". The signature is fluid and cursive, with a horizontal line extending from the middle of the name.

Matthew T. Trepal, AICP  
Manager, Planning Division

MTT:jmk





Herbert, Rowland & Grubic, Inc.  
220 West Kensing Drive, Suite 100  
Cranberry Township, PA 16066  
724.779.4777  
www.hrg-inc.com

Via Email

July 27, 2023

Mrs. Rebecca Vargo  
Township Manager  
Township of Wilkins  
110 Pepper Road  
Turtle Creek, Pennsylvania, 15145

Re: **Golden-Buncher Subdivision  
Plan Review 01  
Wilkins Township, Allegheny County, PA**

Dear Mrs. Vargo:

Herbert, Rowland & Grubic, Inc. (HRG) has received the following materials related to the referenced submission:

- **Subdivision and Land Development Application**, prepared by NJBarton, LLC and dated February 14, 2023.
- **Golden-Buncher Subdivision and Consolidation Plan (1 sheet)**, prepared by NJBarton, LLC and dated June 15, 2023.
- **Subdivision Agreement**, prepared by Buncher Company and dated November 4, 2022.

As requested, we have completed a review of the submitted information with respect to the Subdivision and Land Development Ordinance (Chapter 385) and Zoning Ordinance (Chapter 450). The comments below are based on the review of the listed submitted material. The comments do not address specific requirements that other regulatory agencies such as the Pennsylvania Department of Environmental Protection (PADEP), PennDOT, or the Allegheny County Conservation District may have, although permits or approval letters from these agencies may be required as a condition of plan approval.

The purpose of this submission is to cure an encroachment of the property owned by Amber C. Golden at 101 Gilmore Drive onto the property owned by Buncher Company at 3459 William Penn Highway.

#### **COMMENTS RELATED TO SUBMISSION:**

1. The parcel at 101 Gilmore Drive is located in an R-3, Residential zoning district. As such, it is required to have a Front Yard of at least 30 feet. [§450-13 A.] It is our belief that the "20' Building Line" shown on the Subdivision and Consolidation Plan is outdated. We would recommend removing that designation from the Plan.
2. Similarly, that parcel is required to have a Back Yard of at least 20 feet. It appears from scaling the drawing that the back yard area is sufficient. We would request that the Applicant confirm the back yard measurement and indicate the Back Yard line on the Plan.

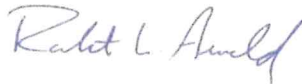
Mrs. Rebecca Vargo  
Wilkins Township  
July 27, 2023  
Page 2

3. Finally, since that parcel abuts two streets it would be required by §450-13 A to provide the required Front Yard along both streets. Again, it is our belief that the Lot and Yard requirements in the R-3 Zoning District have been updated since the neighborhood was established. Therefore, in order for this newly-recorded subdivision to be correct, we would recommend noting the front yards of 101 Gilmore Drive as existing nonconformities.

HRG would support a recommendation of approval of the Golden-Buncher Subdivision and Consolidation Plan contingent upon the resolution of the items noted above. We reserve the right to conduct additional reviews on behalf of the Township. If you have any questions regarding these comments, please do not hesitate to call me.

Sincerely,

Herbert, Rowland & Grubic, Inc.

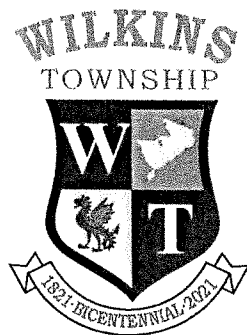


Robert L. Arnold, P.E.  
Team Leader | Civil

RLA/kmg  
R006303.0426

project\0063\006303\_0426\2023.07.27 golden buncher pr01.docx

**Board of Commissioners**  
Sylvia J. Martinelli, President  
Joseph D. Costa, Vice President  
Michael Boyd  
Mark E. Wells  
Brittney Pepper



**Township Officers**  
Rebecca Vargo, Township Manager  
Michelle Criner, Treasurer  
John Rushford, Solicitor  
Randy Lamb, Police Chief  
Scott Matthews, Public Works

June 30, 2023

Mr. Robert Arnold, P.E.,  
HRG, Inc.  
200 West Kensinger Dr., Suite 100  
Cranberry, PA 16066

RE: Golden-Buncher  
Subdivision and Consolidation

Dear Mr. Arnold,

Please find enclosed a copy of an application for subdivision/consolidation submitted on behalf of the Buncher Company. The purpose of this plan is to correct the physical encroachment of the Golden property, 101 Gilmore Drive, Lot/Block 542-B-56 upon the property of the Buncher Company, 3459 William Penn Highway, Lot/block 542-F-30, all located within the Township of Wilkins. The plan proposes to subdivide 2,157.46 square feet from the Buncher parcel and consolidate it with the Golden parcel.

In addition to the completed application, please find enclosed the following documents which were prepared and presented by Nile J. Barton, PLS, of NJ Barton, LLC.:

- One copy of the plan of subdivision, consolidation;
- An agreement between Ms. Golden and the Buncher Group to cure the encroachment.

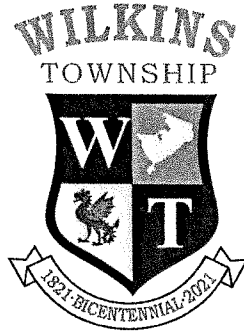
Please review this information and return all comments to my attention. If you have any questions, please contact me at the number listed below or via email at ([rvargo@wilkinstownship.com](mailto:rvargo@wilkinstownship.com)).

Sincerely,

**TOWNSHIP OF WILKINS**

A handwritten signature in cursive script that reads "Rebecca Vargo".  
Rebecca Vargo  
Manager

**Board of Commissioners**  
Sylvia J. Martinelli, President  
Joseph D. Costa, Vice President  
Michael Boyd  
Mark E. Wells  
Brittney Pepper



**Township Officers**  
Rebecca Vargo, Township Manager  
Michelle Criner, Treasurer  
John Rushford, Solicitor  
Randy Lamb, Police Chief  
Scott Matthews, Public Works

June 30, 2023

Mr. Matt Trepal, AICP, Manager  
Allegheny County Economic Development  
Koppers Building Suite 500  
436 Seventh Avenue  
Pittsburgh, PA 15219

RE: Golden-Buncher  
Subdivision and Consolidation

Dear Mr. Trepal,

Please find enclosed a copy of the application subdivision/consolidation submitted on behalf of the Buncher Company. The purpose of this plan is to correct the physical encroachment of the Golden property, 101 Gilmore Drive, Lot/Block 542-B-56 upon the property of the Buncher Company, 3459 William Penn Highway, Lot/block 542-F-30, all located within the Township of Wilkins. The plan proposes to subdivide 2,157.46 square feet from the Buncher parcel and consolidate it with the Golden parcel.

In addition to the completed application, please find enclosed the following documents which were prepared and presented by Nile J. Barton, PLS, of NJ Barton, LLC.:

- One copy of the plan of subdivision, consolidation;
- An agreement between Ms. Golden and the Buncher Group to cure the encroachment.

Please review this information and return all comments to my attention. If you have any questions, please contact me at the number listed below or via email at ([rvargo@wilkins township.com](mailto:rvargo@wilkins township.com)).

Sincerely,

**TOWNSHIP OF WILKINS**

A handwritten signature in cursive script that reads "Rebecca Vargo".  
Rebecca Vargo  
Manager