

January 4, 2022

The regular meeting of the Millcreek Township Planning Commission was held on Tuesday, January 4, 2022, at 5:30 p.m. in the Assembly Room of the Millcreek Township Municipal Building, 3608 West 26th Street. Planning Commission members present, Chairman Mr. Gene Strohmeier, Messrs. Kubeja, Skellie, Sitter, Stewart, and Mrs. McCabe. Also, present were Matthew Waldinger, Director of Planning & Development, Matthew Puz, Zoning & Development Officer, Julie Maggio, Assistant Zoning & Development Officer, and Attorney Lydia Caparosa, Counsel for Township. Absent was Mr. Prozan and Mr. Reade.

The meeting was called to order at 5:30 PM by Mr. Strohmeier.

At this time, Mr. Strohmeier informed the public that the Planning Commission proceedings are streamed live online and are accessible at <https://www.millcreektownship.com/meetings>.

Following the Salute to the Flag, a motion was made by Mr. Kubeja seconded by Mr. Skellie, and carried that the Minutes of the Meeting of December 7, 2021, be approved.

The following Subdivision/Land Development Plan were heard:

GORDON A. EVANS. Small Subdivision Plan. A subdivision plan to show the creation of Parcel "A", a 20,871 square foot lot, from tax parcel 33-043-229.0-014.0 with a residual lot of 2.00 acres along the north line of West Ridge Road across from Patio Drive, in Tract 310. **Index 405-018**

Gordon Evans, 4390 West Ridge Rd, spoke on behalf of this petition. He stated he was separating the residential portion from the business portion of the property.

Mr. Strohmeier informed Mr. Evans that on the plan he would need to provide the square footage of all the buildings, a signature block for the Millcreek Township Engineer to sign, and a modification for the flag lot would have to be requested. Mr. Evans asked where or how would he get that done because he had not done this before. Mr. Strohmeier informed Mr. Evans that Mr. Laird would take care of the drawing and the Supervisors would grant the modification for the lot.

There were no other public comments.

After discussion, it was moved by Mr. Kubeja seconded by Mr. Skellie and carried 6-0 to recommend approval of the petition to the Board of Supervisors with the following:

Requirement:

- Provide the square footage of all the buildings on the plan.
- Provide the Township Engineer signature block on the plan.

Modification:

- Would be needed for the residue lot in accordance with Ordinance 125-89K.

ALBERSTADT. Small Subdivision Plan. A subdivision plan to show the replot of four lots to create two lots, a 2.135-acre lot and a 0.953-acre lot along the north line of Clifton Drive, west of Forest Drive, in Tract 2. **Indices 204-038, 040, 041, and 042**

John Alberstadt, 200 Clifton Dr, spoke on behalf of this petition. He stated that the original plot was one lot and his father had it subdivided into three lots. He would like to have the lot between 3420 Clifton Drive and 200 Clifton Drive subdivided in half making it an integral part of each of the lots. He would also add Millcreek Index 204-038 to his lot making it one parcel. The pathway to the beach would remain untouched.

Mr. Waldinger informed Mr. Alberstadt that the subdivision they had in front of them showed that the parcel was subdivided into four lots and now subdivided into two lots. Mr. Waldinger asked if that was correct. Mr. Alberstadt replied that was correct.

Atty. Matthew Wolford, 638 W 6th St., representing Jon & Suellen Gerbracht, property owners within the Forest Park Subdivision. The issue that Mr. & Mrs. Gerbracht were concerned about was that the property boundaries were to be based on the original 1921 subdivision map and appeared to show the pathway running between the lots. The pathway was subject to litigation in 2006, Gerbrachts' v. Brown & Alberstadt, Erie County Court of Common Pleas. Judge Garhart concluded that the pathway was shown on the Forest Park map running between the various lots. The Gerbrachts' have no objection with the subdivision. However, they strenuously object to the Planning Commission approving the proposal based on the Alberstadt Replot which will be recorded in public records and could be used as evidence of property boundaries in future litigation. They would like the property lines to be move to the edge of the pathway. Atty. Wolford had Mr. Gerbracht distribute and explain the three subdivision maps to the members. Mr. Gerbracht gave the Planning Commission members a little history on the subdivision with the pathway. He believed the pathway was a right-of way not an easement.

Mr. Strohmeier stated that on the original map that was provided indicated a property line marker down the center of the entire pathway. The markers were the original property lines. He stated that they were here tonight to discuss the subdivision of an existing property regardless of where the path was. The path had nothing to do with the business before this board and it was not up to the board to try to resolve any problem with the path.

Atty. Caparosa informed Atty. Wolford that she had a 1935 deed, and it described the property line going down the center of the pathway.

Mr. Waldinger informed the Chairman that there was no issue regarding the previous litigation concerning access where the path had been. This meeting was about taking four lots and making them two lots. He understood the Gerbrachts had concerns with where the property line was shown. The drawing submitted to the Township was submitted by a professionally licensed surveyor and his product was stamped by him with his work. Mr. Waldinger informed Atty. Wolford that they did look at previous subdivisions for this area, recorded December 1991, showing the boundary in the exact same position as the drawing that was submitted and in front of them today. They were not changing any boundaries to the exterior boundaries, and they are taking the four lots to two lots.

Paul Brown, 200 Forest Dr, informed the members that none of the maps given to the members today were the plat of the recorded subdivision. The recorded subdivision has the book and page number on it.

Atty. Wolford requested that the board members consider that the parcel lines be moved to the edge of the pathway.

There were no other public comments.

After discussion, it was moved by Mr. Stewart seconded by Mrs. McCabe and carried 6-0 to recommend approval of the petition to the Board of Supervisors.

DUDLEY MEDICAL BUILDING. Land Development Plan. A land development plan to show the construction of 22,920 square foot medical building with associated off-street parking and stormwater management facilities along the west line of Peach Street, north line of Dudley Street, and east line of Richmond Street, in Tract 346. **Index 727**

Mike Sanford, Sanford Surveying & Engineering, 4721 Atlantic Ave, spoke on behalf of this petition. He stated that this was a building with parking with two driveway accesses to the property (Peach Street and Dudley Street). Parking met the Township Ordinance, appropriate green spaces, underground storm water management plan (calculations at GPI), permit was submitted to the Conservation District, public water and sewer would be provided from Dudley Street, and sidewalks would be provided on Dudley Street and Richmond Street.

David Brine, 5216 Richmond St., asked if this plan included the 30' buffer that was required.

Mr. Sanford replied that when this property was rezoned the Millcreek Township Supervisors decided to keep a 10' residential strip along Richmond Street. The existing zoning line was 10' from the right-of-way and they are required to have a 20' from that line, which technically was 30'.

There were no other public comments.

After discussion, it was moved by Mr. Skellie seconded by Mr. Sitter and carried 6-0 to recommend approval of the petition to the Board of Supervisors.

New Business:

Mr. Puz read the 2021 Annual Millcreek Township Planning Commission Report. It was moved by Mr. Skellie, seconded by Mr. Sitter and carried 6-0 to recommend acceptance of the report.

The Election of Officers was held. Mr. Stewart's nomination was as follows:

CHAIRMAN – EUGENE STROHMEYER VICE-CHAIRMAN – DAVE SKELLIE SECRETARY – PETE KUBEJA

A motion was made by Mr. Stewart seconded by Mr. Kubeja and carried unanimously.

There being no further business to come before the Commission, the meeting was adjourned on motion by Mr. Skellie seconded by Ms. McCabe and carried unanimously at 6:26 PM.

Pete Kubeja ~ Secretary