

May 3, 2022

The regular meeting of the Millcreek Township Planning Commission was held on Tuesday, May 3, 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 Strohmeyer, Messrs. Kubeja, Skellie, Sitter, Prozan, and Reade. Also, present were Matthew Waldinger, Director of Planning & Development, Matthew Puz, Zoning & Development Officer, Julie Maggio, Assistant Zoning & Development Officer, and Attorney Jennifer Hirneisen, Counsel for Township. Absent was Ms. McCabe and Mr. Stewart

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

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

Following the Salute to the Flag, a motion was made by Mr. Skellie, seconded by Mr. Prozan, and carried that the Minutes of the Meeting of April 5, 2022, be approved.

The following Subdivision/ Land Development Plan was heard:

THOMAS & PATRICIA POTTER. Small Subdivision Plan. A subdivision plan to show the creation of two lots, Parcel A, a 100'x165' lot, and Parcel B, a 1.22-acre lot, at 3721 Zimmerly Road (tax parcel ID 33-137-577.0-004.00), along the south line of Zimmerly Road, east of Love Road, in Tract 351. **Index 613-006**

Thomas Potter, 3721 Zimmerly Rd, spoke on behalf of this petition to subdivide.

Mr. Strohmeyer informed Mr. Potter that a modification from the Supervisors would be needed because of the proposed flag lot.

Mr. Skellie explained the depth-to-width ratio and the 100' requirement for frontage also needed modification. A new Highway Occupancy Permit may be needed in the future before the construction of any new development occurs because the driveway would access a state road. Mr. Potter replied that the driveway was already there on the new lot.

Matt Waldinger wanted to clarify that typically, PennDOT would issue a Highway Occupancy Permit for any change of use for a driveway and suggested that he should check with PennDOT in the future if he were to build a home or other structure on the property. It may be required to have an updated HOP.

Mr. Strohmeyer asked if there was an existing driveway on the home. Mr. Potter replied that there was a huge driveway there. He also informed the members that new piping was installed because the road was caved in. Originally, they were going to move the driveway but after talking to PennDOT, they decided to add 6' to the existing driveway. The driveway was 24' wide.

Jay Pratt, 3649 Zimmerly Rd, stated that he was here on behalf of his mother who lives next to this property. He stated that Mr. Potter only had one driveway for this parcel. He asked if other lots in the neighborhood would be able to do what Mr. Potter was doing with his property and subdivide. Mr. Skellie replied they would have to get a modification. Mr. Pratt asked if this subdivision was going to be a business because of all the trucks and construction equipment on this property that have been there for two years. Mr. Potter responded that was where he was going to live because he put \$400,000.00 into the property. He dug up and put new piping in the property to take care of the flooding by diverting it to the back into the creek. He also changed the grade of the property to help with water. Mr. Pratt asked Mr. Potter when he was done with the development, if it would be three homes. Mr. Potter replied that there would be the main house, which was existing, build a small residence attached to the garage, and build a small house next to that. Mr. Pratt asked what the time frame would be for the development. Mr. Potter would like to start as soon as possible. He then informed Mr. Pratt that he was interested in purchasing his mother's property.

Mary Lowry, 5335 Love Rd, (the old schoolhouse), asked if this development would decrease the value of her property. She thought it did not seem to be enough land for three homes and a huge garage. She was concerned about safety with the traffic on Zimmerly and Love Road. The dump trucks that enter and exit this property continuously have a tough time pulling in and out and block traffic. The trucks leave dirt and debris on the road. She had concerns about emergency vehicles being able to access this property, if needed. She was also concerned that on Zimmerly Road, the berm is deteriorating in which one could see under the road, and with the heavy trucks Mr. Potter brought to this property, it may cave the road in. She asked how it could be a subdivision when there was only one way in and out.

Mr. Skellie responded that when someone has one lot and divided it into two or more lots that is defined as a subdivision.

Ms. Lowry felt that this development did not seem appropriate asking for all these modifications for this parcel. She was also concerned that since Mr. Potter had built his property up, what impact it has on Walnut Creek.

Mr. Strohmeyer asked Ms. Lowry if she had contacted PennDOT concerning the erosion of road. Ms. Lowry replied that someone from the state had come out last spring to take pictures and they were on the waiting list. Her neighbor Adam Forne had also contacted PennDOT about the flooding and the road. She then asked what size of home could be built on the property.

Mr. Puz replied that any single-family home or dwelling in the CR District has minimum living space of 1200 square feet.

Mr. Strohmeyer asked for clarification if there were one or two separate driveways on this parcel. Mr. Potter responded yes, there were two separate driveways. Ms. Lowry interjected that there was only one driveway.

Mr. Strohmeyer then asked Mr. Potter if he was only planning to build one home in the back. Mr. Potter replied yes, only one home was to be built.

Mr. Skellie asked Mr. Potter if it was a combined driveway 30' back and then splits into two. Mr. Potter replied yes that was correct. He said it looks combined, but one side had a binder, and the other side was finished for the trucks that come in and out of the driveway.

Mr. Potter explained that he had brought in eight loads of topsoil for the property. Also, the neighbor on the right had constant water in the yard and Mr. Potter ditched it so that the water would run into the creek.

Adam Forne, 3710 Zimmerly Rd, asked how many homes were to be built on the property. Mr. Strohmeyer replied one home. Mr. Forne asked then two houses and two garages on the property total. Mr. Strohmeyer replied yes that is if the existing home had a garage. Ms. Lowry interjected that Mr. Potter stated he was building another home and adding a small residence on the existing garage. Mr. Potter responded no, there would be the existing home which should have been condemned and they should be thankful that he put \$400,000.00 into it. Mr. Forne was concerned with the drainage problems that they currently have and wanted to make sure that this development did not dump any more water and adversely affect his property. Mr. Forne informed the members that when Mr. Potter diverted the water, Mrs. Pratt started having trouble with her well and his well runs to the same spring that Mrs. Pratt does. He was concerned that with this new construction that it would affect his well and it would go dry. Mr. Potter informed Mr. Forne that he had city water/sewer.

Mr. Skellie asked if the lot tapered downhill toward the creek. Mr. Potter replied yes it did. He also had water retention basin put in for the existing home.

Mr. Pratt was confused because Mr. Potter did say that he was going to build a home attached to the garage and another home. Mr. Strohmeyer responded that Mr. Potter was not, it would only be two homes on the entire property.

Mr. Potter stated under the new zoning he could build a duplex and that is what he probably will do, or one big house you could call it.

There were no other public comments.

After discussion, it was moved by Mr. Skellie seconded by Mr. Prozan and carried 5-0 to recommend approval of the petition to the Board of Supervisors with the following:

Modification:

- Lot B depth-to-width ratio is 4.5:1 which exceeds the 3:1 requirement.
- Lot B frontage is 39.64' (100' requirement).

Requirement:

- A new Highway Occupancy Permit may be needed in the future before the construction of any new development occurs.

There being no further business to come before the Commission, the meeting was adjourned on motion by Mr. Skellie, seconded by Mr. Prozan, and carried unanimously at 6:06 PM.

Pete Kubeja ~ Secretary

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