

Butler Township Planning Commission

March 3, 2020

The Butler Township Planning Commission held their regular Planning Commission meeting on Tuesday, March 3, 2020 at 6:00 p.m. at the Butler Township Municipal Building, 290 South Duffy Road, Butler, PA 16001.

In attendance were Planning Commission members: Chair Ron Henshaw, Secretary Ernie Oesterling, Mike Liebler, and Fred Maihle, Jr. Vice Chair Sam Zurzolo, Brenda Collins, and Richard Schontz, Jr. were absent.

Also in attendance were Engineer Bryan Flaugh with Gateway Engineers, Solicitor Rebecca Black with Lutz, Pawk, & Black, and Zoning Officer Jesse Hines.

Chair Henshaw called the meeting to order followed by a moment of silence and the pledge of allegiance to the flag.

Approval of November 5, 2019 Minutes

Motion by Maihle, Jr. to approve the minutes of November 5, 2019, seconded by Liebler and carried unanimously.

Reorganization of Board

Motion by Liebler to reappoint Ron Henshaw as Chair, Sam Zurzolo as Vice Chair and Ernie Oesterling as Secretary, seconded by Secretary Oesterling and carried unanimously.

Public Comment

No comments.

Semes - Subdivision

Evans City Road

Mr. & Mrs. Semes were in attendance to represent the Semes Subdivision.

The referenced Subdivision Plan is located along Evans City Road in the R-1 (Single Family Residential) Zoned District. The plan proposes lot consolidations.

Zoning Officer Hines gave an overview of the plan. The applicant wants to eliminate the lot lines to create one lot.

Engineer Flaugh referenced Gateway Engineers' letter dated March 2, 2020, C-25661. There are no outstanding comments.

Motion by Maihle, Jr. to recommend granting final approval of the Semes Subdivision, seconded by Liebler and carried unanimously.

Morgan - Subdivision

Meridian Road & Pinecrest Court

Mr. Stan Graff with Graff Surveying LLC and the applicant Mr. David Morgan were in attendance to represent the D.O. Morgan Subdivision.

The referenced Subdivision Plan is located at the intersection of Meridian Road and Pinecrest Court in the R-1 (Single Family Residential) Zoned District. The plan proposes to consolidate two lots into one lot.

Mr. Graff and Mr. Morgan gave an overview of the plan.

Solicitor Black expressed her concerns with the plan. The lot is listed as a non-building lot. The deed specifically states that this lot is to be a non-building lot and also states that at no point in time shall it ever be reconfigured. Solicitor Black's guidance to the Planning Commission is that they legally are not allowed to deny a consolidation plan for anything other than a violation of our Ordinances or PA Statutes. Besides being a non-building lot and not being able to be reconfigured, the lot is designated as a non-building lot in all of the plans and subdivisions. Solicitor Black is concerned that the other owners in the plan would have a beneficial interest in the plan that is being presented and they have not signed off on the application. Generally, the Planning Commission requires that anybody interested in the plan as an owner or equitable owner sign off on the application that is being submitted to the Planning Commission. Solicitor Black explained that it has only been about 30 days since the applicant has applied for the lot line revision and there is still time if the applicant wanted to consider approaching the other residents.

Discussion was held regarding the lot lines on the non-building lot.

Mr. Morgan stated that he just wanted to install a fence on the vacant lot.

Solicitor Black would like to have more time to look at the plan to determine if the other neighbors have an interest in the outcome of the plan. She would also like to look at the fact that we can't deny a plan based on the restrictive covenants, but we might be obligated to initiate an action in equity in joining a subdivision. We can't grant approval knowing that it is on the face of these deeds and plan that this is a non-building lot. Solicitor Black recommend that the Planning Commission table the plan to allow us to consider whether or not the signatures of the other neighbors would be necessary and whether or not they would have a beneficial outcome of the plan.

Mr. Mike Spinneweber, the developer of the plan, was present. He explained that originally the lot was a building lot. When Mr. Spinneweber first sold the house where the Morgan's live now, the property owner at that time wanted to purchase the lot that bordered him. Mr. Spinneweber agreed to set aside that lot if the property owner at that time agreed to make it a non-building lot. That is when that lot was deeded as a non-building lot. The property owner at that time wanted a buffer so that no one could build on that lot.

Mrs. Beth Harold of 105 Pinecrest Court was in attendance. When she was going to buy 227 Meridian Road, she was made perfectly aware that the lot beside the house was a non-building lot and she would not be able to build a garage. That is one of the reasons she did not buy 227 Meridian Road.

Mr. Steve Horwat of 104 Pinecrest Court was in attendance. His property borders the property in question. He bought his house knowing that the lot beside him was a non-building lot.

Mr. John Harold of 105 Pinecrest Court was in attendance. He is concerned that the value of his house will depreciate. He does not want the property consolidated.

Motion by Maihle, Jr. to table the D.O. Morgan Subdivision, seconded by Liebler and carried unanimously.

Questions from the Media

There were no questions from the media.

Adjournment

Motion by Secretary Oesterling to adjourn at 6:35 p.m., seconded by Liebler and carried unanimously.



Sam Zurzolo, Vice Chair