

# HERMITAGE PLANNING COMMISSION

## MINUTES

Monday  
November 2, 2009  
Regular Meeting  
8:30 a.m.

### MEMBERS PRESENT:

Chuck Rogers – Chairman  
Woody Steele – Secretary  
John Coupland  
Matt Liburdi  
James Tamber  
Mary Dee Wellman-Donald

### MEMBERS ABSENT:

Ed Benton  
Mark Passalinqua  
Chester B. Scholl

### OTHERS PRESENT:

Marcia Hirschmann  
Tom Kuster  
Cindy Pagliaroli  
Gary Hinkson  
Gary Gulla  
Scott Smith  
Jan Farmakis  
Jeremy Coxe  
Nathan Zampogna  
Joe Pinchot  
Ed Winslow

Mr. Rogers called the meeting to order at 8:30 a.m. in the Hermitage Municipal Building

Mr. Rogers asked for public input. There was none.

### **APPROVAL OF MINUTES:**

Mr. Rogers asked for approval of the minutes of the October 14, 2009 meeting. Mr. Tamber made a motion to approve the October 14<sup>th</sup> minutes. Mr. Steele seconded the motion and the motion carried unanimously. The minutes were approved as distributed.

### **SUBDIVISION PLANS:**

#### **Final Plan Our Lady of Fatima Catholic Church Clarksville Road Plan of Lots (Clarksville Road)**

Mrs. Hirschmann first provided information pertaining to unopened / non-public streets. She explained that the law provides that these streets are dedicated for public use for 21 years, and after that time, if they are not accepted by a municipality, ownership reverts to the abutting property owners, with the provision that any other owners named in the original subdivision plan that created the street would retain some legal right to the use of the street.

Mrs. Hirschmann explained that ownership of the unopened street on this subdivision plan reverted to the abutting property owners many years ago. She stated that the purpose of this plan is to grant ownership of the right-of-way to Our Lady of Fatima Church, so that they will have access to their property to the north. Mrs. Hirschmann also noted that the church has filed a request for a modification to allow a roadway of 44' wide instead of the required 50' for flag lots.

She said that this subdivision provides for a 3'-wide strip to be retained by the abutting property owners, along with the conveyance to each of a small parcel to the rear of their properties.

Approval of the plan would have the following contingencies.

- 1) Drawing corrections
- 2) Two sets of permanent ink mylars with signatures and seals

Ed Winslow of Winslow Engineering stated that the church property is land-locked without access from this right-of-way.

There was a brief discussion about future development of the church property. Mrs. Hirschmann noted that there are many streets in Hermitage that do not meet the minimum 50' right-of-way. She said that if the property were developed at a later date, any proposed plan would need to address that issue.

Mr. Rogers asked Mr. Winslow the reason that Lots 1 and 2 are odd-shaped, since they are being conveyed to the abutting property owners. He noted that if the access drive were ever extended into the church property, it would intersect Lot 2. Mr. Winslow said that there have been disagreements among the three property owners regarding ownership of the access drive, and now they have all agreed upon the conveyances proposed by this subdivision as a resolution to the conflict. He noted that the access road would remain a private drive. Dr. Coupland asked if wording could be added to the subdivision plan to designate the access road as a private drive. Mr. Winslow clarified that it is merely an issue of providing access to the church property and it is not a public street. Attorney Tom Kuster said that a notation could be added to the subdivision plan that clarified that the right-of-way is not being dedicated as a public street. Mr. Winslow was in agreement.

Mr. Steele made a motion to approve the Final Plan Our Lady of Fatima Catholic Church Clarksville Road Plan of Lots Subdivision with the noted contingencies. Mr. Tamber seconded the motion. The motion carried unanimously.

### **OTHER BUSINESS:**

**Mercer County Regional Planning Commission update – none**

There were no public comments. The meeting adjourned at 8:53 a.m.

Respectfully submitted,

Cindy Pagliaroli

Date prepared – November 3, 2009

Date approved – December 7, 2009