

MUNICIPALITY OF BETHEL PARK
ALLEGHENY COUNTY, PENNSYLVANIA

- - - -

COUNCIL PUBLIC HEARING MEETING MINUTES

LINWOOD STREET VACATION

- - - -

COUNCIL MEMBERS

Timothy J. Moury (President)
Dr. Timothy Campbell
Todd Cenci
Joseph Consolmagno
David Espinar
Lindsay Flinn
Joe Janosik
John Oakes
Mark J. O'Brien

- - - -

Municipal Manager: Laurence Christian
Mayor: Jack T. Allen
Municipal Engineer: Stacey Graf
Municipal Planner: Kirsten Primm

- - - -

DATE: Monday, February 28, 2022
TIME: 7:46 p.m.

PLACE: Municipality of Bethel Park
5100 West Library Avenue
Bethel Park, Pennsylvania 15102

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Reported by: Lisa M. Wolfe

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I N D E X

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SPEAKERS:

KIRSTEN PRIMM, MUNICIPAL PLANNER 5

MIKE KLIPSIC 9

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P-R-O-C-E-E-D-I-N-G-S

(Commencing at approximately 7:46 p.m.)

PRESIDENT MOURY: I'd like to
call to order the public hearing of the Linwood
Drive Street Vacation.

Mr. Christian, would you please call
the roll?

MR. CHRISTIAN: Dr. Campbell?

DR. CAMPBELL: Here.

MR. CHRISTIAN: Mr. Cenci?

MR. CENCI: Here.

MR. CHRISTIAN: Mr. Consolmagno?

MR. CONSOLMAGNO: Here.

MR. CHRISTIAN: Mr. Espinar?

MR. ESPINAR: Here.

MR. CHRISTIAN: Ms. Flinn?

MS. FLINN: Here.

MR. CHRISTIAN: Mr. Janosik?

MR. JANOSIK: Here.

MR. CHRISTIAN: Mr. Moury?

PRESIDENT MOURY: Here.

MR. CHRISTIAN: Mr. Oakes?

MR. OAKES: Here.

MR. CHRISTIAN: Mr. O'Brien?

MR. O'BRIEN: Present.

1 PRESIDENT MOURY: We have two
2 public hearings tonight. First is the Linwood
3 Drive Street Vacation. The way the process will
4 work is it's Application #2021-0970. Michael and
5 Doreen Klipsic at 3281 Thornwood Drive requests a
6 street vacation of Linwood Drive, an unopened road
7 from the Thornwood No. 2 Plan of Lots. The
8 unopened road is located between property Lot &
9 Block #'s 568-H-26 and 568-H-19. Currently zoned
10 R-3, Ward 7.

11 The way the process will work is
12 I'll turn it over to our planner to give an
13 overview on what we're here to talk about.
14 Then we will open it up to the public, which
15 would be the opponents, people that will be
16 against the street vacation, and then the
17 proponents, the people that would be in favor.

18 And I want to apologize to Applicant
19 that we had some issues with notification. We
20 were hoping to do this in January. But
21 unfortunately, we didn't get the notification
22 out properly to meet all of the requirements,
23 so we had to postpone. So we appreciate your
24 patience.

25 So KP?

1 MS. PRIMM: Before Council is
2 the Street Vacation Application. The
3 Applicants, Michael and Doreen Klipsic, are
4 petitioning for the vacation of a portion of
5 Linwood Drive. A 50-foot wide right of way.
6 The area proposed to be vacated is 50 feet wide
7 and approximately 153 feet in length measuring
8 from the point with Thornwood Drive.

9 There are two parcels of property
10 that abut this portion of Linwood Drive. These
11 two parcels are owned by Michael and Doreen
12 Klipsic and Elliott and Kaitlyn Smith.

13 The property to the south of Linwood
14 Drive has frontage on Thornwood Drive. And
15 properties to the north of Linwood Drive have
16 frontage on Linwood Drive and Elderwood Drive.
17 The unapproved street right-of-way is subject
18 to the proposed Vacation Petition.

19 As per the requirements of Bethel
20 Park Municipal Code Chapter 59 Streets,
21 Sidewalks and Public Places. Article XI,
22 Section 59.77, Petition for Vacating Street.

23 The purpose of this public hearing
24 is to accept public testimony regarding the
25 application. Council is required to hold a

1 public hearing on such petition. The
2 application status, the Planning Commission
3 recommended approval at their December 8th,
4 2021 meeting. The Applicant was informed of
5 the Planning and Zoning Commission
6 recommendations for approval with conditions in
7 a letter dated December 9th, 2021.

8 Today is a public hearing. It has
9 been properly advertised and proof of
10 publication has been entered into the record.
11 In addition, the adjacent properties and
12 Applicants have been properly notified
13 regarding the public hearing, and properly have
14 been posted.

15 Attached is the Bethel Park exhibit
16 list for the proposed Linwood Street Vacation.
17 And that includes the Application for Street
18 Vacation 2021-0970. Exhibit A, Part A, the
19 survey from JR Gales & Associates dated
20 October 10th, 2021, the letter to Michael and
21 Doreen Klipsic regarding the Planning & Zoning
22 Commission recommendations dated December 9th,
23 2021, the letter from the Allegheny County
24 Economic Development & Planning Division
25 regarding County review of the Application and

1 the Plan of Street Vacation. We also received
2 a lot of comments from residents, all of which
3 are in favor of the street vacation.

4 First, Mary Anne Anderson of
5 3278 Thornwood Drive in favor of the proposal.
6 My home is directly across the street from the
7 Linwood Drive vacation proposal. Releasing
8 this parcel of land to Mike Klipsic will ensure
9 that this property will continue to be taken
10 care of and maintained. The Klipsic's have
11 always taken care of this property as if it was
12 their own anyway. They have maintained it for
13 over 60 years.

14 This is from the Applicants, Michael
15 and Doreen Klipsic. Obviously in favor. We've
16 been maintaining the property for over 55 years.
17 We would be more comfortable having possession of
18 the property to continue maintaining it to secure
19 its current appearance.

20 Joseph and Patricia Mullen of
21 3277 Thornwood Drive in favor of this proposal.

22 Bruce and Diana Mancini of
23 3286 Thornwood Drive in favor of this proposal.
24 We do not want Linwood Road open to Thornwood.

25 George and Mary Jo White of

1 3270 Thornwood Drive in favor of this proposal.
2 We are in favor of Mike and Doreen Klipsic
3 obtaining the property. They have taken good
4 care of it for many years.

5 Max Stalter of 435 Linwood Drive,
6 and also the owner of 3265 Thornwood Drive in
7 favor of the proposal.

8 Dave O'Rourke of 3235 Thornwood
9 Drive in favor of this proposal.

10 Denise Kennell of 3243 Thornwood
11 Drive in favor of this proposal.

12 JoAnn Sayre of 3252 Thornwood Drive
13 in favor of this proposal.

14 Sean and Ashley Walsh of 3255 Thornwood
15 Drive in favor of this proposal.

16 Pending any comments or objections from
17 the public hearing the council may consider action
18 on requests.

19 PRESIDENT MOURY: Thank you
20 very much. At this time I would like to open
21 for any public comments for people that would
22 be opposed, opponents, to this street vacation.

23 Hearing none, the proponents,
24 anybody that's in favor of it, if you would
25 like to come up to the microphone and state

1 your name and address for the record.

2 MR. KLIPSIC: Mike Klipsic.

3 3281 Thornwood Drive, Bethel Park. Whenever we
4 were going through this I realized, for the most
5 part, that whenever you have an area like this
6 it normally is divided between the two adjoining
7 neighbors. Jeff Winkle had me go to my
8 neighbors because they had no interest in it
9 whatsoever. So we had a notarized letter that
10 they were foregoing their side of the property,
11 and allowing me to have the whole thing over to
12 their property. I just wanted to, you know,
13 make sure that was fair, that we wasn't going to
14 be getting half of it, that we would be getting
15 the whole thing.

16 Because they said you've been taking
17 care of it all this time. They said, we have
18 no interest in it. You keep taking care of it,
19 and we'll enjoy it.

20 PRESIDENT MOURY: Is that Smith's?

21 MR. KLIPSIC: To be honest with
22 you, Mr. Moury, I forgot their last name. It's
23 Elliott.

24 PRESIDENT MOURY: Elliott Smith.
25 That is Exhibit A. And that does show that they

1 are giving up all of their rights. And if it is
2 done, it will all be reverted to you.

3 MR. KLIPSIC: Okay. I just
4 wanted to make sure, and that later on it
5 wasn't disputed.

6 Thank you.

7 PRESIDENT MOURY: Thank you.

8 Are there any more proponents in favor?

9 Hearing none, is there any discussion
10 from Council?

11 Hearing none, before I call this
12 meeting over, or ask for an adjournment, this
13 will appear on our March 14th Council meeting
14 for our vote. So everything should be fine.

15 Is there any other questions?

16 Hearing none, is there a motion to
17 adjourn?

18 MR. O'BRIEN: So moved.

19 PRESIDENT MOURY: Motion by
20 Mr. O'Brien.

21 MR. OAKES: Second.

22 PRESIDENT MOURY: Second by
23 Mr. Oakes.

24 All in favor say aye.

25 BOARD MEMBERS: Aye.


PRESIDENT MOURY: Opposed?

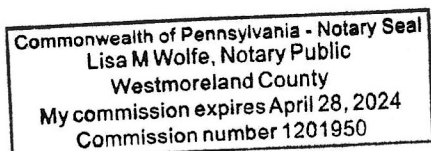
Meeting adjourned. Thank you.

(Whereupon, the Public Hearing
was adjourned at 7:55 p.m.)

REPORTER'S CERTIFICATE

I, Lisa M. Wolfe, certify that the foregoing pages are a true and correct transcript of my stenographic notes taken at the proceedings on February 28, 2022.


Lisa M. Wolfe, Reporter



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Exhibit A**VACATION OF UNOPENED PORTION OF LINWOOD DRIVE
DEDICATION TO MICHAEL JAMES LIPSIC AND DOREEN BESSIE KLIPSIC
(PART A)**

ALL THAT CERTAIN parcel of ground situated in the Municipality of Bethel Park, County of Allegheny and Commonwealth of Pennsylvania, being a portion of unopened Linwood Drive, a fifty (50) foot wide right-of-way, being dedicated to Lot 36 in the Thornwood No. 2 plan as recorded in the Department of Real Estate of Allegheny County in Plan Book Volume 44 Pages 45-46, being more particularly described, to wit:

BEGINNING at a point at the southwesterly corner of Lot 36 in said plan, said point being on the easterly right-of-way of the unopened road being described, thence through said right-of-way S 44°00'00" W a distance of 50.19 feet to a point on the easterly property line of Lot 48 in the Ruthfred Acres No. 4 plan as recorded in the Department of Real Estate of Allegheny County in Plan Book Volume 30 Page 99; thence along said line N 51°03'00" W a distance of 157.58 feet to a point; thence continuing along said line by a tangential arc of a circle curving to the left having a radius of 25/00 feet for an arc distance of 37.22 feet, a chord bearing S 86°18'00" W a chord distance of 33.88 feet to a point on the southerly right-of-way line of Thornwood Drive, a fifty (50) foot right-of-way; thence along said right-of-way line of Thornwood Drive N 43°39'00" E a distance of 100/34 feet to a point on the easterly right-of-way line of the unopened road and the westerly line of Lot 36; thence along said line by non-tangential arc of a circle curving to the left having a radius of 25.00 feet for an arc distance of 41/32 feet, a chord bearing of S 03°42'00" E, a chord a distance of 36.78 feet to a point; thence continuing along said line S 51°03'00" E a distance of 153/63 feet to a point at the place of beginning.

Containing 9,302.85 square feet or 0.2136 acres.

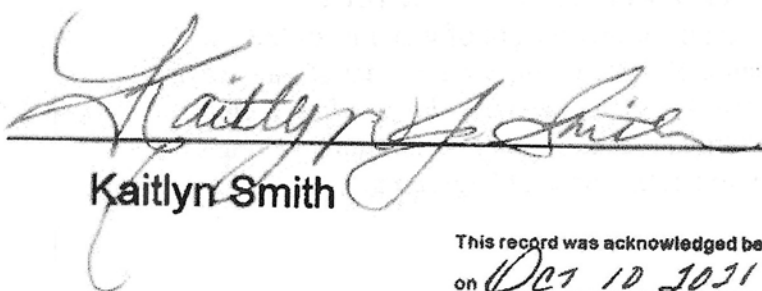
Our next door neighbor, Mike Klipsic, has been totally landscaping the utility rightaway between his house of 3281 Thornwood Drive, Bethel Park, PA. 15102, and our property of 3285 Thornwood Drive for an extremely long time. Currently he's applying for a Street Vacation to obtain the property. We, the undersigned, are giving up any and all interest in the property now and forever thus allowing him to obtain full possession of the entire said property up to our current property line.



Elliott Smith

10-10-2021

Date



Kaitlyn Smith

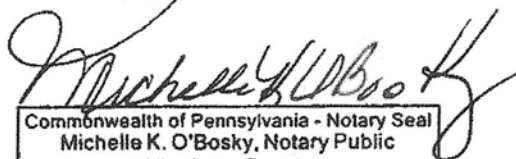
10.10.2021

Date

This record was acknowledged before me

on OCT 10 2021

by Elliott Smith & Kaitlyn Smith



Commonwealth of Pennsylvania - Notary Seal
Michelle K. O'Bosky, Notary Public
Allegheny County
My commission expires October 22, 2025
Commission number 1121842
Member, Pennsylvania Association of Notaries



STREET VACATION INFORMATION

APPLICATION #: 20210970

APPLICATION NAME: LINWOOD DR Street Vacation

(Application name and number will be filled in by Zoning Officer)

The following information is required to be completed and submitted with all Street Vacation applications. The information provided herein shall be considered part of the Street Vacation. **THE APPLICATION MUST INCLUDE A STAMPED LEGAL DESCRIPTION AND A SKETCH OF THE PROPERTY TO BE VACATED.** Failure to complete this form or provide a legal description can result in denial or tabling of the Street Vacation.

NAME OF STREET TO BE VACATED: LINWOOD DRIVE

LIST ALL LANDOWNERS ABUTTING THE REQUESTED STREET VACATION:

NAME: MICHAEL AND DOREEN KLIPSIC

ADDRESS: 3281 THORNWOOD DR TELEPHONE: 412-491-7242

NAME: ELLIOTT AND KAITLYN SMITH

ADDRESS: 3285 THORNWOOD DR TELEPHONE: 412-334-9270

NAME: _____

ADDRESS: _____ TELEPHONE: _____

SIGNATURE OF APPLICANTS:

SIGNATURE: Michael J. Klipsic DATE: 11-4-21

SIGNATURE: Doreen B. Klipsic DATE: 11-4-21

SIGNATURE: _____ DATE: _____

TAH 21-181066A Street Vacation.dwg



Municipality of Bethel Park

Municipal Building • 5100 West Library Avenue • Bethel Park, PA 15102 • (412) 831-6800 • Fax (412) 831-8675 • www.bethelpark.net

Item A.

December 9, 2021

Michael & Doreen Klipsic
3281 Thornwood Drive
Bethel Park, Pa 15102

RE: **Application # 2021-0970:** Michael & Doreen Klipsic of 3281 Thornwood Drive requests a street vacation of Linwood Drive, an unopened road from the Thornwood No. 2 Plan of Lots. The unopened road is located between property Lot & Block #'s 568-H-26 and 568-H-19. Current zoning is R-3, Ward 7.

Dear Mr. Klipsic,

On Wednesday, December 8, 2021, the Bethel Park Planning & Zoning Commission reviewed and listened to public comments on the above referenced application. The Planning & Zoning Commission made a recommendation for approval of the Linwood Drive street vacation application #2021-0970 request. The next step in the process is advertising the request for a Public Hearing in front of the Bethel Park Municipal Council to be held at the January 24, 2021 Council Committee meeting at 7:45 pm. You will need to be present at this public hearing to present the street vacation request.

If you have any questions, please contact the Municipal offices at 412-831-6800.

Sincerely,

Jeffrey Winkle
Municipal Planner
Municipality of Bethel Park

COUNTY OF



ALLEGHENY

RICH FITZGERALD
COUNTY EXECUTIVE

November 22, 2021

Diana Alberter, Commercial Community Services Secretary
Municipality of Bethel Park
5100 West Library Avenue
Bethel Park, PA 15102

RE: Municipality of Bethel Park - Street Vacation
ACED File #: 21067-OR
Mail Date: November 4, 2021
45 Day DL: December 23, 2021

Dear Diana:

The Planning Division of Allegheny County Economic Development (ACED) has reviewed the aforementioned matter pursuant to the Pennsylvania Municipalities Planning Code (MPC). As a result, the County offers the following for your consideration.

GENERAL OVERVIEW

The proposed request is a street vacation filed by Michael and Doreen Klipsic (3281 Thornwood Drive) and Elliott and Kaitlyn Smith (3285 Thornwood Drive) to vacate a portion of unopened Linwood Drive in accordance with the legal description and plan prepared by J R Gale & Associates, Inc. dated October 22, 2021.

COMMENTS

Upon review of the ordinance, the following comments are offered for your consideration:

1. Procedurally, it should be ensured that Section 59.77 of the Bethel Park Code is followed with respect to notice to property owners and advertisement. In addition, an ordinance should be prepared in proper format for consideration by the governing body.

Page 1 of 2

LANCE CHIMKA, DIRECTOR
DEPARTMENT OF ECONOMIC DEVELOPMENT
ONE CHATHAM CENTER • SUITE 900 • 112 WASHINGTON PLACE • PITTSBURGH, PA 15219
PHONE (412) 350-1000 • WWW.ALLEGHENYCOUNTY.US/ECONOMIC/

If the proposed request is approved, please send a copy of the fully executed ordinance to the County, including the signed and dated signature pages. In addition, the Solicitor should ensure that it filed correctly at the Recorder of Deeds to reflect the updated property boundaries. Further, all Township maps, including the zoning map, should be updated to reflect the vacation of the street.

If the proposed amendment is modified, please resubmit the ordinance for review and reference the ACED file number for this review in your request.

Feel free to direct any inquiries or comments to my attention at 412.350.1030 or Matt.Trepal@AlleghenyCounty.US.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Matt Trepal', with a stylized flourish at the end.

Matthew T. Trepal, AICP
Manager, Planning Division

MTT:mts