

The regular meeting of the Millcreek Township Board of Supervisors was called to order at 9:30 a.m. by Chairman Kujawa in the Assembly Room of the Millcreek Township Municipal Building. Present were Richard Figaski, Joseph Kujawa, Brian McGrath, Evan Adair, Esq., Phyllis Vollbrecht, Charles Pierce and Richard Morris, P.E. Mr. Wolf was absent.

Following the Pledge to the Flag, Chairman Kujawa called for public comment on agenda items other than development or rezoning applications. No comments were received.

It was moved by Mr. Figaski, seconded by Mr. McGrath and carried by unanimous roll call vote to approve the minutes of the Board's June 11, 2013 meeting.

It was moved by Mr. McGrath and seconded by Mr. Figaski to approve payment of the weekly General Fund bills in the amount of \$536,425.17 and the Sewer Revenue Fund bills in the amount of \$266,377.76. Motion carried by unanimous roll call vote.

A public hearing was held on the following petitions requesting a change in zoning classification:

Timothy M. Birkmire, Timothy M. Birkmire and Tammy Lynn Birkmire, for property located at 2055, 2103, 2111, 2115, 2155 and 2209 Edinboro Road, now zoned RR Rural Residential District, asking for a change of classification of approximately 9.4 acres of land to C-2 General Commercial District.

Mr. Pierce reported that the Millcreek Township Planning Commission recommended denial.

Atty. Jack Mehler, McDonald Illig Jones and Britton Law Firm, appeared on behalf of the request and gave each Board member a packet with several zoning maps. The property located on Edinboro Road intersects with Interchange Road near Erie Bank. The northern portion owned by the Birkmires is now zoned C-2 and the 9.8 acres now zoned RR, they would like changed to C-2, with the remainder of the Birkmire property staying RR. He pointed out that no one spoke in opposition at the Planning Commission meeting. One neighbor was complimentary. When Mr. Birkmire met with three of the abutting neighbors, he offered two options. One, Option A, would create a 100-foot strip located to the west of the residential properties and to the east of the properties which would remain RR and provide an additional buffer to the neighbors. This option is not required by the Ordinance. Option B, which Mr. Birkmire is willing to amend the application to accommodate, would provide a 30-foot buffer immediately adjacent to the residential properties which would be a 20-foot elevated mound system and a complete visual buffer. This is the option the Birkmires prefer.

Jeffrey Horwath, 9370 Hedderick Drive, appeared on behalf of his mother, Roberta Horwath who resides at 6120 Meridian Drive and is within 100 feet of the rezoning. He presented a petition signed by Meridian Drive residents asking the Supervisors to uphold the decision of the Planning Commission. This rezoning will have a negative impact on their neighborhood because of crime rate, safety, home values, desirability of the neighborhood, etc. Contrary to Atty. Mehler's statement, there are 22 neighbors who are opposed to the rezoning. Mr. Pierce stated that the Ordinance requires a 30-foot buffer between C-2 and Residential and within that buffer there must be a 20-foot

planting strip that has nothing but plantings that must be six feet high within two years. What is being offered is the option to leave 100 feet zoned RR with the understanding that the Township would not require the 30-foot buffer according to Mr. McGrath. Mr. Horwath also pointed out the issues with increased traffic from the Target Store area and the stormwater problems at Interchange Road and Meridian Drive. On the map presented at the Planning Commission meeting, it showed Avon Drive extending into the proposed rezoned property. Avon Drive is now a vacated street. The neighbors came to a Board meeting in 2000 for a rezoning request and they do not want to return in five years for a request for another "logical" extension along Edinboro Road. They do not want Edinboro Road to become another Peach Street.

Lon Jenkins, 6011 Meridian Drive, is concerned about light and noise pollution and the aesthetics of the neighborhood and asked the Board to uphold the recommendation of the Planning Commission to deny.

Chuck Alessie, 6040 Meridian Drive, complimented the Birkmire's development of the Erie Bank which he thought was a good extension along Interchange Road. At the present time he can sit on his back deck and not even see Erie Bank or the Millcreek Mall because of the foliage buffer. There is already a traffic problem because of development to the south. Storm water problems now exist. They are concerned about noise and light pollution and pointed out that he was not personally asked about the two options. He encouraged the Board to uphold the Planning Commission's recommendation to deny.

Matthew Trott, 6061 Meridian Drive, asked about the notification process because he did not know about the Planning Commission meeting. He feels Option B would create a natural snow fence which makes it not desirable. The best buffer would be to leave the property zoned RR. Meridian Drive is a narrow road and with speeding traffic, travel on that road becomes very unsafe. Mr. Trott said that as many trees as possible should be kept in the area to help with the storm water problems.

Brian Lusky, 6054 Meridian Drive, moved to the neighborhood one year ago. The neighbors were told that this rezoning was a done deal leaving only the question of selecting either Option A or B. He would definitely choose the 100-foot buffer to keep the woods. He urged the Board to deny the request.

Randy DiSanto, 6075 Meridian Drive, is opposed to the rezoning because it conflicts with the existing use of neighboring properties which goes against the goals of the Comprehensive Plan. Traffic and drainage problems already exist. A denial would not take away from the use of this property for Mr. Birkmire. If there is to be a change, C-1 would be a good transition.

Art Goellner, 6026 Moraine Drive, presented a petition signed by residents opposed to this rezoning and the next one on the agenda plus several maps. There is an abundance of commercial property available between the Millcreek Mall and Millcreek Marketplace which has the accessibility. The area does not need another Peach Street on Edinboro Road. He quoted the Comprehensive Plan's three goals for future land use. One of the maps he presented show development south into Summit Township and told the Board they need to anticipate how the traffic flow will increase and affect the now present gridlock at Interchange Road and Peach Street, Interchange Road and Edinboro Road

and Interchange Road and I-79. He also reminded the Board of the stormwater problems on Interchange Road.

Mr. Kujawa stated that if this property is developed, PennDOT will conduct a traffic study no matter what type of business. The Board does not know what is planned and would not know until the land development plan is presented.

The Future Land Use Plan calls for this property to be used as multi-family according to Mr. Pierce. Mr. McGrath asked how much of a buffer would be required between the east property line of the Birkmire property and the Meridian Drive residents if the property were rezoned to multi-family. Mr. Pierce said no buffer would be required.

Mr. McGrath moved to deny the request to rezone from RR Rural Residential District to C-2 General Commercial based on determining where commercial land use should end. The Board does not want Edinboro Road to become another Peach Street. If the property were to be rezoned, there would be a buffer for the residents, except for multi-family. In that case, the developer could cut down every single tree leaving no buffer. He understands the traffic and drainage problems. Mr. Figaski seconded the motion stating that he too had a different opinion before the meeting today. This property will be developed someday in some way. Voting to deny the request: Figaski, McGrath, Kujawa.

Dennis M. Dolan and Mikavic, LLC, for property located at 2226, 2240 and 2250 Edinboro Road and at the northwest corner of Edinboro Road and Rinderle Drive, now zoned R-1 Single Family Residential, R-2 Low Density Residential and C-2 General Commercial Districts, asking for a change of classification to C-4 Regional Commercial District.

Mr. Pierce reported that the Millcreek Township Planning Commission recommended approval.

Dennis Dolan, 1470 Taylor Ridge Court, appeared on behalf of the request. He submitted four drawings. His property is a mix of zoning with C-4 to the north and east. His future commercial development plans are undetermined at this time but feels C-4 zoning would be consistent with the area. He told the Board that Summit Township is planning and allowing for development along their portion of Route 99 so the Board should take favorable action to plan for development.

Mr. Pierce told the Board that the Future Land Use shows R-1 zoning (single-family).

Art Goellner, 6026 Moraine Drive, said this property is not suitable for a 24/7 operation of any type and the residents are totally opposed to C-4 zoning. He presented a petition signed by those residents. The houses along Edinboro Road could be remodeled and there is plenty of land behind those houses that could be subdivided for single-family homes. Again, he pointed the traffic problems that will not be solved until PennDOT does something with the situation at Interchange Road and I-79.

Jeff Horwath, 9730 Hedderick Drive, said he drives from Five Points every day and said the traffic is horrible. The Planning Commission voted to deny the

petition but after another discussion, it was approved. He urged the Board to deny this request also.

Charles Betcher, 6004 Moraine Drive, lives on the corner of Rinderle and Moraine Drives. There are cars now that travel on their roads looking for a way to get into Millcreek Marketplace.

Kathy Goellner, 6026 Moraine Drive, reiterated that a C-4 zoning would allow a 24/7 business which she does not want to see. The semi traffic on Edinboro Road is becoming very heavy now. She also expressed a concern about school bus safety.

It was moved by Mr. Figaski and seconded by Mr. McGrath to deny the request to rezone from R-1, R-2 and C-2 to C-4 based on the Future Land Use Plan. C-4 could encompass any commercial use and none of those uses is what is called for in the Future Land Use Plan. Voting yes to deny: Figaski, McGrath, Kujawa.

On the recommendation of Engineer Morris, it was moved by Mr. McGrath and seconded by Mr. Figaski to approve the Stormwater Maintenance Agreement for Sterling, Inc. located at Interchange Road and Route 99 (Millcreek Marketplace). Motion carried by unanimous roll call vote.

On the recommendation of Engineer Morris, it was moved by Mr. McGrath and seconded by Mr. Figaski to approve the Stormwater Maintenance Agreement for TGE Development, LLC located at Colonial Avenue and West Ridge Road. Motion carried by unanimous roll call vote.

Jessica James, Recycling Coordinator, thanked the many individuals and organizations who volunteered on May 18 for the special collection event at the Recycling Center. The event resulted in the collection of 533 tires; 94 appliances (freon removed); 23 automotive batteries; 24 propane tanks; textiles; construction and demolition waste; and paper shredding. Also, \$72.00 will be donated to the Millcreek fire departments as a result of the propane collection. Ms. James also thanked many who donated their time to make the Erie County Shred Day a success on June 1.

On the recommendation of Streets Foreman Mark Dietz, it was moved by Mr. Kujawa and seconded by Mr. Figaski that Sean Kern be authorized to travel to U. S. Municipal Supply on June 24 and 25, 2013 to train on the set up of the new truck and plow that was purchased by the Township, and that a vehicle be provided for transportation. No public comment was received. Motion carried by unanimous roll call vote.

It was moved by Mr. McGrath and seconded by Mr. Figaski that Robert Mitchell, Charles Heffner and Matthew Exley be authorized to attend the National Weather Service Office in Cleveland to obtain a portion of the storm-ready program for our community. No public comment was received. Motion carried by unanimous roll call vote.

On the recommendation of Sewer Department Foreman Gary Snyder, it was moved by Mr. McGrath and seconded by Mr. Figaski that two Sewer Department employees be authorized to deliver the vac truck to Evans City, PA to have the new pump installed and return at a later date to pick up the truck. No public comment was received. Motion carried by unanimous roll call vote.

It was recommended by Parks and Recreation Department Director James Sperry, moved by Mr. McGrath and seconded by Mr. Figaski that Ben Forcier be approved to work as a substitute

at the Chestnut Hill concession at \$7.65/hour. No public comment was received. Motion carried by unanimous roll call vote.

There being no further business to come before the Board of citizens to be heard, it was moved by Mr. Figaski, seconded by Mr. McGrath and carried to adjourn the meeting at 11:34 a.m.

Phyllis A. Vollbrecht
Assistant Secretary

APPROVED: June 25, 2013

Joseph S. Kujawa
Brian P. McGrath
Richard P. Figaski