

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 Gerald Wolf, Richard Figaski, Joseph Kujawa, Brian McGrath, Evan Adair, Esq., Phyllis Vollbrecht, Julie Maggio and Richard Morris, P.E.

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. McGrath, seconded by Mr. Figaski and carried by unanimous roll call vote to approve payment of the weekly General Fund bills in the amount of \$597,379.83.

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

**Donald Pastore, Anthony Pastore and Paul Pastore, TIC, for property located at 2608 Zimmerly Road, consisting of approximately 11.4 acres, now zoned RR Rural Residential District, asking for a change in classification to R-4 High Density Residential District.**

Mrs. Maggio reported that the Millcreek Township Planning Commission recommended approval, Erie County Planning stated that the proposed zoning change is generally consistent with the Erie County Comprehensive Plan and the Millcreek Township Future Land Use Plan Map indicates multi-family zoning.

Atty. Gary Eiben, 456 West 6th Street, appeared on behalf of the Pastores who are the purchasers under Articles of Agreement for the property. There are wetlands on the property which could serve as a buffer zone and could help to inhibit the number of units that could be constructed. The R-4 zoning would fit in naturally because the property to the east is commercial/highway commercial, to the north and west is already R-4 density areas, and one corner is zoned R-2. Questions asked by the public at the Planning Commission concerning traffic, etc. will be properly addressed in the land development process.

Mr. Figaski expressed his concern over having only one ingress/egress especially with the already heavy volume of traffic on Zimmerly Road. PennDOT stated that there are no plans for improvements on Zimmerly and Interchange Roads. Mrs. Maggio stated with R-4 zoning, eight to eleven units per developable acre would be permitted.

A meeting is scheduled today with PennDOT regarding improvements to that area according to Mr. Kujawa.

Philip Temple, 2740 Alexandra Drive, appeared representing the Vineyard Estates Homeowners Association. They object to the rezoning of this property for the same reason they opposed the rezoning of the property at the northeast corner of Zimmerly Road and Old Zuck Road. The Board cannot continue to allow an increase in multi-family units with infrastructure that cannot handle it. He met with PennDOT officials and two State representatives and the plan at that time would not alleviate the bottleneck. The association also has concerns about notification when there are matters that concern them.

Mike Sanford, Sanford Surveying and Engineering, told the Board he spoke with PennDOT's Michelle Morningstar who visited the site and determined the driveway and site distance to be adequate. Mr. Kujawa said the Board does not have a problem with site distance for this property, but traffic volume.

Priscilla Hazlett, 2675 Zimmerly Road, told the Board that the heavy traffic makes it very difficult for them to get out of their driveway. The whole area is very congested.

Mr. McGrath said this typically would be a very logical transition between the commercial zoning on Zuck Road and multi-family and single family on Old Zuck Road, but because of the traffic problems it is not a good time to rezone this property.

It was moved by Mr. McGrath and seconded by Mr. Figaski to deny the petition. Motion carried by unanimous roll call vote. Mr. Figaski then stated that the Board should look into the amount of high density development in the Township; he questions the need.

It was moved by Mr. Figaski and seconded by Mr. McGrath to approve Resolution 2013-R-15; a Resolution to authorize exoneration of taxes assessed against eight mobile homes deemed by the Erie County Bureau of Assessment to have been removed or damaged to an extent rendering them worthless. Motion carried by unanimous roll call vote.

It was moved by Mr. McGrath and seconded by Mr. Figaski to approve Resolution 2013-R-16; a Resolution to accept the deed of Millcreek Mall Corporation conveying to the Township ownership of the parcel of land being a part of Erie County Tax Index No. (33) 167-667-046.03 in lieu of condemnation to facilitate the Walnut Creek Stabilization Project. Motion carried by unanimous roll call vote.

Engineer Morris explained that an agreement dated October 9, 2007 between Golf Club Road Estates, Inc. and Millcreek Township called for 100 linear feet of sidewalk fronting Lot 13 on Estate Drive to be constructed by October 9, 2008. That timeframe for completion was extended by the Township to June 30, 2013. Since the sidewalk has not been constructed and the developer is in default of his obligations, Engineer Morris recommended that the Township construct the sidewalk with the developer's financial security in accordance with Paragraph 4.B of the Agreement. It was moved by Mr. McGrath and seconded by Mr. Figaski to approve the construction of the sidewalk per Engineer Morris's recommendation. Motion carried by unanimous roll call vote.

On the recommendation of Chief Carlotti, it was moved by Mr. McGrath and seconded by Mr. Figaski to approve the use of West Lake Fire Department's Fire Police for traffic control for Girard Borough's Dan Rice Days on August 2 and 3, 2013. No public comment was received. Motion carried by unanimous roll call vote.

The Streets Department received the following quotations for the removal of 11 trees on Old Perry Highway: Dibble Tree Service - \$450.00; Larson Tree Service - \$850.00; and no quote from J. Thomas. It was moved by Mr. McGrath and seconded by Mr. Figaski to award the contract to Dibble Tree Service for \$450.00. No public comment was received. Motion carried by unanimous roll call vote.

Atty. Adair reported that the Township and residents of Kelso Woods are having problems with property at 232 Kelso Drive largely because whatever improvements on it are not acceptable and at this point create a hazardous, dangerous and abandoned premise constituting a public

nuisance. Last year, the Zoning Office gave the owner an opportunity to avoid paying fines by fixing the property. This year, it ended up in court and the owner was given until June 30. There has been no response. An agreement prepared by Atty. Adair was signed by the property owner which provides for the owner's payment of \$2,000 for \$8,000 in fines which has not yet been received; costs; and gives the owner until August 18 to finish cleaning up the property and to take care of the property decently from then on. If the owner does not do this, the agreement provides for the Township to enter onto the property to demolish the improvements and remove debris, etc. If the owner does clean up the property, action will be discontinued. It was moved by Mr. McGrath and seconded by Mr. Figaski to approve the agreement conditioned on receipt of the \$2,000 plus costs. No public comment was received. Motion carried by unanimous roll call vote.

Philip Temple, 2740 Alexandra Drive, asked the Board for assistance regarding traffic problems on Old Zuck Road. Their association appreciates the Police Department's presence on that road to control speeding but understand they cannot be there all the time. He asked for consideration of the installation of two speed tables which are used extensively in Europe and are very effective in controlling speed. Mr. McGrath said he would speak with Chief Carlotti.

There being no further business to come before the Board or citizens to be heard, it was moved by Mr. Figaski, seconded by Mr. McGrath and carried to adjourn the meeting at 10:12 a.m.

Phyllis A. Vollbrecht  
Assistant Secretary

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APPROVED: July 23, 2013

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