

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

Following the Pledge to the Flag, Mr. McGrath 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 to approve the minutes of the Board's October 8, 2013 meeting.

It was moved by Mr. Figaski and seconded by Mr. McGrath to approve payment of the weekly General Fund bills in the amount of \$368,809.49 and the Sewer Revenue Fund bills in the amount of \$297,792.12. Motion carried by unanimous roll call vote.

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

**Scott D. Swartz by Doug Prozan (agent), for a property located at 177 Richmond Street, also known as the northwest corner of West Gore Road and Washington Avenue, now zoned R-1 Single Family Residential District, asking for a change of classification to C-2 General Commercial District.**

Mr. Pierce reported that the Millcreek Township Planning Commission recommended approval for a "C-1" zoning per the request of Mr. Prozan. The property across the street to the south is zoned commercial; to the east is zoned commercial; to the west across Richmond Street is one parcel zoned commercial with the rest zoned R-1; and all properties to the north are zoned R-1.

Doug Prozan, 3286 Lake Front Drive, explained that the medical building across the street meets the parking requirements but more are needed especially when it snows. Mr. Schwartz recently purchased this property from the Township. The rezoning would allow for overflow parking. The lot will be cleared of rubbish, dead trees, poison ivy and then landscaped. The lot does have a base on it from the Township using it over the years.

Scott Schwartz, owner of the medical building at 4906 Richmond Street and the lot in question, said he is aware the neighbors are upset about the noise and the staging area of the Township over the years. The lot will be landscaped and being over 80 yards from the residences, should not cause a noise problem. He also pointed out that the medical building is an asset to the community.

The following area residents spoke in opposition to the rezoning:

Susan Felix, 4910 Lexington Street: Feels that any further rezoning in their neighborhood is nothing more than a hostile invasion of their property. They are tired of the requests for commercial rezoning in their residential neighborhood which has occurred several times over the years.

Pam Verga, 4909 Lexington Street: She lives directly behind the house (recently before the Planning Commission for rezoning) next door to the

medical building. The medical office building that has been there for 25 years never had a parking problem but since there is a new owner, there is a parking problem all the time, not just when it snows.

Mr. McGrath asked if this were to be developed as a parking lot, would stormwater management and buffer requirements apply. Engineer Morris said he would have to look at it to see what percentage is already paved. Mr. Pierce said a 10-foot green strip would be required along the public streets.

The petition for rezoning today is for the triangular piece of property, not the house next door to the medical building which has not been rezoned because Board voted against it according to Mr. Figaski. Mr. Schwartz could apply for a variance and if granted, a parking lot only could be constructed there. To get a use variance, one would have to establish that the lot could not be developed or used for any other purpose.

Barbara Brown, 4814 Lexington Street: It is not an issue of making this lot look nice, but keeping it residential which makes it a buffer from Peach Street. When asked if she would oppose a use variance, Ms. Brown said it should be zoned residential.

Joe Verga, 4909 Lexington Street: Asked if the buffer would be required on all three sides of the lot and Mr. McGrath said a buffer is required on any frontage on a public street. The Engineering Department would have to look at the lot to see if any other requirements would have to be met. He challenges the sincerity of the owner to use the lot as a parking lot, but as a tool to develop other nearby properties as commercial.

Bob Bednark, 4910 Lexington Street: His major concern is commercial zoning encroachment into the residential neighborhood.

Mr. McGrath commented that the chances of the lot being used as residential would be very slim with the required setbacks and having frontage on three sides.

Mr. Prozan pointed out that this lot is not encroaching into a residential area; it is the only lot on the southeast side of Richmond that is not zoned commercial. The lot will be professionally and intellectually landscaped.

The medical office and the house next door are not what are being considered today. Mr. Figaski's concern is that the potential for another commercial development in this area. Both Zoning and Engineering said that the possibility of development on this lot because of the current rules and regulations would be next to nil.

Over the years Mr. McGrath received many calls regarding the condition of this property when the Township owned it. The Township used it as a storage area for equipment and materials and others have used it as a dumping ground. Mr. McGrath fears that if left vacant, the lot would continue to be abused and become an eyesore.

It was moved by Mr. McGrath and seconded by Mr. Figaski to approve the rezoning of 177 Richmond Street to "C-1" General Commercial District. Motion carried by unanimous roll call vote.

**Alan C. Schaal and Craig W. Schaal, for property located at 2301-2311 West 12th Street, now zoned I-1 Light Industrial District, asking for a change of classification of the north 230 feet of the property to C-4 Regional Commercial District.**

Mr. Pierce reported that the Millcreek Township Planning Commission recommended approval and the Comprehensive Plan calls for commercial zoning.

Craig Schaal, 402 Rondeau Drive, appeared on behalf of the plan. It was moved by Mr. Figaski, seconded by Mr. McGrath and carried by unanimous roll call vote to approve the rezoning from I-1 Light Industrial to C-4 Regional Commercial. Motion carried by unanimous roll call vote.

It was recommended by Engineer Morris, moved by Mr. Figaski and seconded by Mr. McGrath to approve an extension of time to record the subdivision plan until May 31, 2014 for El Patio Inn Services, Inc. (West 6th Street and Peninsula Drive). The plan was originally approved July 9, 2013. Motion carried by unanimous roll call vote.

It was recommended by Engineer Morris, moved by Mr. Figaski and seconded by Mr. McGrath to approve an extension of time to record the land development plan until May 31, 2014 for Sheetz El Patio (West 6th Street and Peninsula Drive). The plan was originally approved July 9, 2013. Motion carried by unanimous roll call vote.

On the recommendation of Engineer Morris, it was moved by Mr. Figaski and seconded by Mr. McGrath to approve a Sidewalk Deferral Agreement for Kaylee M. and Nicholas E. Curry for property at 1511 Fairfax Avenue because no sidewalks exist in the area. Motion carried by unanimous roll call vote.

Mr. McGrath presented the September Building Construction Report as follows:

Total Residential Structures	\$2,324,700.00
Total Non-residential Structures	<u>\$1,037,542.00</u>
	\$3,362,242.00
Zoning Permits Issued	33
Zoning Permit Fees	\$ 13,800.00

It was recommended by Treasurer Wolf, moved by Mr. McGrath and seconded by Mr. Figaski to approve an agreement with National Fuel Resources for the purchase of natural gas with a variable rate from October 1, 2013 through September 30, 2015 and that the Secretary be authorized to sign the same. No public comment was offered. Motion carried by unanimous roll call vote.

On the recommendation of Treasurer Wolf, it was moved by Mr. Figaski and seconded by Mr. McGrath to approve the PELRAS (Public Employer Labor Relations Advisory Service) 2014 rates. Effective January 1, 2014, PELRAS clients serviced by Campbell Durrant Beatty Palombo & Miller, P.C., who represent the Police Department labor/personnel matters, will be charged an increase of \$10 per hour over rates that have been in effect since 2009. No public comment was offered. Motion carried by unanimous roll call vote.

It was recommended by Chief Carlotti, moved by Mr. McGrath and seconded by Mr. Figaski to authorize Ptlm. Ryan Bolash to attend ILEE (Institute for Law Enforcement Education) training from November 5 to 7, 2013 at the Allegheny County Police Training Academy. There is no cost for the training. Estimated cost for two nights lodging, meal allotment is \$310.00. No overtime

will be incurred and travel will be by Township vehicle. No public comment was offered. Motion carried by unanimous roll call vote.

It was recommended by Chief Carlotti, moved by Mr. McGrath and seconded by Mr. Figaski to authorize Lt. William Detisch and Cpl. Mark Irwin to attend Safenet's annual "Intimate Partner Violence" seminar on November 1, 2013 at the Ambassador Conference Center. The cost is \$50.00 each and both officers will attend during normal working hours. Travel will be by Township vehicle. No public comment was offered. Motion carried by unanimous roll call vote.

Two VHF antennas located on the roof of the Township building have been damaged. The following quotations were received for their replacement: Mobilcom - \$1,024.00; Freedom Communications - \$1,709.76; and Eagle Radio Technologies - \$2,304.40. It was recommended by Chief Carlotti, moved by Mr. McGrath and seconded by Mr. Figaski to award the contract to Mobilcom for \$1,024.00 with the expense split evenly between the Police and Streets Departments. No public comment was received. Motion carried by unanimous roll call vote.

It was moved by Mr. McGrath and seconded by Mr. Figaski to approve the utilization of the West Ridge Fire Police on October 19, 2013 for the McDowell cross country meet at Brown Farm beginning at 9:00 a.m. No public comment was offered. Motion carried by unanimous roll call vote.

Mr. McGrath reported that last week restoration of two practice greens was completed and sometime last night dirt bikes were driven over the two newly restored drains. This is a big expense to the Township; however, the Police have some leads on the vandals.

Attorney Adair reported that on September 16, 2013, he sent letters to both the developers of Glen Eagles Subdivision and the Eagles Subdivision, Section 1 and PNC Bank stating the amount of the letters of credit against which the Township had exercised its rights and the monies remaining to each after completion of the improvements. These funds do not belong to the Township. PNC Bank requested the developers to reimburse it for the monies involved in the letters of credit and the developers did not do so, so PNC Bank asked that the remaining amount be paid to it. It was recommended by Atty. Adair, moved by Mr. McGrath and seconded by Mr. Figaski that the Township remit to PNC Bank the following Letter of Credit balances:

**Eagles Subdivision, Section 1**

Letter of Credit #00254631-00-00 - \$10,064.06

**Glen Eagles Subdivision**

Letter of Credit #12500402-00-000 - \$25,335.52

No public comment was received. Motion carried by unanimous roll call vote.

On the recommendation of Engineer Morris, it was moved by Mr. McGrath and seconded by Mr. Figaski that Joel DiTullio and Matt Waldinger be authorized to attend a GIS Workshop on November 15, 2013 at the Tom Ridge Environment Center. There is no cost for the workshop. No public comment was offered. Motion carried by unanimous roll call vote.

Jack Whipple, 940 Ardmore Avenue, asked about and discussion followed regarding the tax structure of properties owned by the Erie International Airport and he specifically mentioned the storage building and hangars on Airport property which he feels should be taxable.

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 10:40 a.m.

Phyllis A. Vollbrecht  
Assistant Secretary

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APPROVED: October 22, 2013

Brian P. McGrath  
Richard P. Figaski