

CENTER TOWNSHIP  
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**PLANNING COMMISSION**  
**Special Meeting Minutes**  
**Rezone Request R-1A to R-2**  
**April 6, 2005**

**CALL TO ORDER:** The Public Hearing of the Center Township Planning Commission to hear public comment on the request to rezone properties on Duffy and Mercer Roads from R-1A to R-2 was called to order at 6:30 p.m. by Chairman Kenneth Frenchak. The meeting was held at the Township Building at 419 Sunset Drive, Butler, PA 16001.

**ROLL CALL:** Present in addition to Chairman Frenchak, were members John Keffalas, Bob Sloan, Jeff Olen, Township Secretary Martha Hufhand; and Court Reporter Cheryl Morris. Robert Paroli was absent.

**PURPOSE:** A request has been received to rezone from R-1A to R-2 approximately 140 acres, Map & Parcels S7 B, 2F104 13E, 13F and 23DAA of property on Duffy and Mercer Roads. Applicants are George & Eva Aubrey, Phil Heist, Mark Thomas, & Julie Wick. Sixty residents within 300 ft. of the property requested to be rezoned were notified by certified mail. The notice of a public hearing was advertised in the Butler Eagle March 18 and 29, 2005.

**PRESENTATION:** George Aubrey and Matt Marshall, attorney, presented an overview of what is proposed to be done with this property if it is approved to be zoned R-2.

**COMMENTS FROM RESIDENTS:**

Beverly Schenck, 105 Iroquois Drive, stated that this would be spot zoning. She said that the Planning Commission was correct in denying the Adamosky request as the court has ruled that it was spot zoning. This would impact the schools and traffic on the roads. She said that it is not mandatory to rezone just because someone requests it.

C. J. Campbell, 364 N. Duffy Road, had the following concerns: This would be very lucrative for a very few people; a traffic study is needed, rights-of-way; wetlands in this area; higher taxes when she is planning retirement; noise levels, a soil survey, and a police force. A Day Care on the property concerned her.

Eric Bell, 115 Elise Drive expressed concern about adequacy of elementary school capacity.

Nancy Mikan, 205 S. Link Ave, Butler Township: She questioned whether 4-plexes are permitted in the zoning ordinance. Also, she will fight taking the cul de sac to Duffy Rd.

George White, 319 Palmer Road, said that the only people who will benefit will be the developers. A right-of-way will need to be acquired, the road widened, traffic controls such as red lights. The impact fees can only be used for road improvement. He said he is not opposed to growth in Center Township. It is a great place to raise a family. He said that the developer talks about tax revenue but is usually works out that operational costs of a development exceed any revenue received by the township.

George Aubrey responded to some of the above comments. He said that the developer's name is Marty Atkins, from Florida and Canada. He said that he would be willing to provide in the plan documentation to cover some of these concerns.

Debbie Ward, 117 Aubrey Drive, noted that anything that is permitted in R-2 can be put in if the rezoning is approved. The wetlands were a concern to her.

Charles Pedley, 448 N. Duffy Rd., said that the traffic is terrible already on Duffy Road. He objects to higher taxes on his property resulting from this development. Also, he complained of a wall obstructing his view of the horizon. Aubrey assured him there would not be a wall, just trees. Aubrey said these would not be rentals. The development consists of approximately 140 acres. Eight townhouses are permitted per acre. Pedley was also concerned about children getting into his pond

Ed Latuska, 113 Lakeshore Drive, said the Zoning Ordinance was created for a reason, the fact is this is spot zoning. The developer should not profit at the expense of the citizens.

Sue Dickson, 486 N. Duffy Rd., said she would like a traffic study done.

Wes Peters, 107 Peters Lane, said that everybody wants to clean the environment then why is water and sewage not provided for everybody.

Richard Heinz, Peters Lane, said that he has been looking at money spent on court cases by the township, and he would hate to see money wasted.

Aubrey and Marshall both stated an opinion that this development cannot be compared to the Adamosky development. Sewage and water are available for this development. It would be a slow growth under the present BASA moratorium, but there could be five houses a year, and more if any are available at the end of the year. Marshall suggested that the Township Solicitor could give an opinion on whether this would be spot zoning.

Dale said that this looks good and would be a big change in the Township.

Chairman asked if there were any further questions or comments. There were not.

Keffalas made a motion to take a vote. Olen seconded. Motion carried unanimously.

Olen made a motion to recommend denying the request to rezone the parcels from R-1A to R-2 because primarily it contradicts and violates the vision statement of the Comprehensive Plan, secondly, it is spot zoning, and thirdly, it undermines and contradicts the purpose of zoning which is to try to have some semblance of an orderly growth in the township as opposed to come what may. But the primary reason is it violates the vision statement of the Comprehensive Plan which is to maintain largely a rural and residential community, and quite frankly, the only economic benefit is to the developer. Keffalas seconded. Motion carried unanimously.

**ADJOURNMENT:** Keffalas made a motion to adjourn at 7:50 p.m. Olen seconded. Motion carried unanimously.

MARTHA A. HUFHAND  
Township Secretary