

CENTER TOWNSHIP
419 Sunset Drive
Butler, PA 16001
Phone: 724-282-7805
FAX: 724-282-6550

PLANNING COMMISSION
Regular Meeting Minutes
June 22, 2005

CALL TO ORDER: The regular meeting of the Center Township Planning Commission was called to order at 6:35 p.m. by Chairman Ken Frenchak. The meeting was held at the Township Building at 419 Sunset Drive, Butler, PA 16001.

ROLL CALL: Present, in addition to Frenchak were members John Keffalas, Bob Sloan, and Jeff Olen, and Township Engineer Ron Olsen. Bob Paroli was present the last half-hour of the meeting.

PUBLIC TO BE HEARD:

1. Joseph Pelusi of 1087 Sunset Drive: Pelusi discussed his interest in a cell tower being permitted on his property of 15 acres which fronts on Route 8 and Sunset Drive. He was advised to contact legal assistance and reapply for a zoning change.

2. George Aubrey and Stan Graph: An overview of two phases of the Aubrey Development were presented for comment from the Planning Commission.

MINUTES: Sloan made a motion to adopt the minutes of the May 25, 2005, Planning Commission. Olen seconded. Motion carried unanimously.

SUBDIVISIONS & LAND DEVELOPMENTS:

1. Albert & Stacy Feczko (property of William Bungar) 3-lot Subdivision #05-05-05: Mr. Feczko presenting. Sloan made a motion to recommend final approval of the Bungar minor subdivision. Keffalas seconded. Motion carried unanimously.

2. Mark Seezox (property of Kevin & Nancy Weser) Minor Subdivision #05-06-06: Mr. Seezox presenting. Keffalas made a motion to recommend approval conditioned on acreage being adjusted such that the shaded area is part of Lot 1 and right-of-way of Lot 2. Sloan seconded. Motion died. Keffalas made a motion to recommend preliminary and final approval to the Seezox subdivision contingent on the acreage being adjusted such that the shaded area is part of Lot 1 and the right-of-way of Lot 2. Motion carried unanimously.

Rezoning: Ed & Donna Elliott requesting rezoning of 113 Henricks Rd, Parcel S3 6 from R-1 to C-1. Frenchak made a motion to schedule a public hearing at 6 p.m., July 27, 2005, for public comment on the request to zone. Olen seconded. Olen, Frenchak, and Keffalas voted yes, Sloan voted no and said that he does not think it is necessary to hold a public hearing with the level of knowledge the commissioners have for this property from a previous application to rezone. Motion carried.

MISCELLANEOUS:

1. Ethics Forms: Ethics Forms were provided to Paroli, Olen, Frenchak, and Keffalas. All were completed and returned except Olen.

2. Board referral for PC to study the possibility of including other areas of the Township in the Mineral Extraction zoning with a written recommendation to the Board by August 8. Frenchak opened for discussion. The following is some of the discussion. Supervisor Flatt was present, and he outlined his personal position on the Mineral Overlay District. Frenchak said that he feels like the PC was hit up the side of the head on this matter. He said the decision seemed to be made and done and he doesn't see what the Board wants the PC to do with something they had nothing to do with. He asked how do they know what they come together with will fit what the Board is trying to accomplish. Flatt said that he disagreed with Frenchak. He said the supervisors are required by law to ask PC's opinion on ordinance changes. The PC had more time to look at this than the Board did. The Board had 3 weeks, Planning had 6. Frenchak said it was a hodge podge the way it was done. Flatt said it was referred to the PC and it didn't respond.

Flatt said that in 2000 the State changed the rules on forestry and mineral extraction. The Township has a working ordinance in place for forestry. Now it needs to develop one for mineral extraction in order to permit residents to access their property and for the township to stay away from costly litigation. The overlay ordinance has taken care of the immediate Amerikohl situation. Now the PC has the opportunity to do what they say they couldn't do before. There are several ways to do this--i.e., making all of R-1A, M-1, and M2 approved areas for extractions and making it a conditional use. But he emphasized that this is only one way to address the issue, the PC may have many others.

There was discussion of the August 8 deadline for a written response to the Board. Keffalas indicated that he wanted to look at court cases on this subject and that he wanted to send those to the solicitor. He said that he would be more receptive to the R-1A if it was well advertised with the feedback from people in the area.

Frenchak made a motion that the PC would like to extend the date due for the written recommendations until the Oct. 2005 meeting so that they have time to review the material. Olen seconded. Frenchak said that they should do what they can between now and the July meeting before asking for an extension. Sloan agreed. Frenchak and Olen voted yes, Sloan and Keffalas no. Motion died.

Keffalas made a motion that we as a board do what we can develop prior to the next meeting on the overlay and extending the overlay and have recommendations for discussion prepared. Sloan seconded. Frenchak, Keffalas and Sloan voted yes. Olen voted no. Motion carried.

Sloan said that under conditional use he is assuming the whole zone would have to be treated the same when it comes to conditions. Flatt said that in his opinion that would be defensible.

Paroli arrived.

Olen said that he is disgusted with the whole process. The Board had legal research, we didn't have that opportunity, they had several months, we're going to be litigating no matter how we proceed.

Keffalas made a motion to submit into public record four copies of Butler Eagle news releases on the mining and Aubrey topics. Olen seconded. Motion carried unanimously.

ADJOURNMENT: Keffalas made a motion to adjourn at 9 p.m. Sloan seconded. Motion carried unanimously.

MARTHA A. HUFHAND
Township Secretary