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Brian Hortert, Supervisor
Edward Latuska, Supervisor
Thomas Schiebel, Supervisor



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Mark Lauer, Public Works Director
Richard Round, BCO/Zoning Official

Board of Supervisor Public Hearing
Aubrey/Thomas/River Rezoning request
February 18, 2009
6:30 p.m.

CALL TO ORDER:

The Center Township Board of Supervisors Public Hearing was called to order at 6:30 p.m. by Chairman Ron Flatt. The hearing was held at the Township Building at 419 Sunset Drive, Butler, PA 16001.

ROLL CALL:

Present in addition to Chairman Flatt, were Vice Chairman Andy Erie, Supervisors Tom Schiebel; Brian Hortert; and Ed Latuska. Secretary Crystal Wilson was not present.

HEARING:

Neighbors within 300 feet of the property were notified by mail, two ads were placed in the Butler Eagle, and the property was posted. The Chairman noted that the purpose of the hearing is to obtain public comment regarding the request to re-zone the property. Voting approval or disapproval will take place at the next Supervisor's meeting.

George Aubrey asked the Board of Supervisors to rezone property owned by George Aubrey; the Aubrey family limited partnership, Mark R. Thomas and Donald W. Rivers as described in the notice of public hearing that was published in the Butler Eagle. His request is to rezone these properties from R-1A to R-2. Flatt asked that during the course of this proceeding that all comments should be addressed to the Board of Supervisors and that we all remain civil.

PUBLIC TO BE HEARD

The reporter swore in all who wished to speak.

Flatt stated that the proceedings will go as follows; Mr. Aubrey will explain what he wants to do as the spokesperson for all who is involved in the request. After that the Board will be able to ask questions and comment on his request. Then after the Board has asked their questions and stated their comments the floor will be opened to residents who wish to ask Aubrey questions about his request.

A question arose asking if Mr. Aubrey should be sworn in. Flatt asked the reporter to swear Mr. Aubrey in.

Flatt then gave the floor to Aubrey to explain his request.

Mr. Aubrey started by stating that he is the spokesperson for a number of property owners who are involved with this request. He went on to say that most of the people in the room have seen this request before but also stated that some things have changed since the last request had been submitted.

Mr. Aubrey presented his request via poster board, showing the property location and the properties involved. He established where his property was and also where Mr. Thomas's and Mr. River's properties were located. Then he established where the Center Township, Butler Township line was and stated that all his property in Butler Township is already zoned R-2. He then showed what his property and the properties around him were zoned. Aubrey also stated that last year Pennsylvania American Water Company connected the water line from the Mercer Rd, Duffy Rd intersection and tied it into the Links development and into the water line that Aubrey brought in from the south. He went on to say that he has adequate water pressure for the fire hydrants that are there and for any development anything you might want to do there, there is adequate water.

Mr. Aubrey stated that he has some exhibits he wants to present; he started with exhibit Aubrey 1; which is a portion of the Center Townships comprehensive plan. Aubrey read; *Center Township officials understand that lands located in the path of growth and development- along major transportation corridors or adjacent to already established residential and commercial areas, and that lands planned for sewage and water service expansion, are areas appropriate for growth. They also recognize that those areas of the Township which contain productive farmland, environmentally-sensitive features, scenic views, historic and/or cultural structures, are not suitable for extensive growth.* Aubrey stated that those non suitable exceptions do not apply and stated that the reason for the R-1A zoning to begin with was back when the Comprehensive Plan was created you could put a family farm there and possibly make a living at it. He goes on to read Points 1 and 2 off of exhibit Aubrey 1. 1. *Developed land- areas with existing structure(s) already on them (all uses included).* 2. *Short-Term development- (0-10 years)- those areas adjacent to developed land, where public facilities exist or could be easily extended.* Aubrey then referenced a map (labeled public exhibit 1) and stated that this plan was for a 10 year growth from 1999. He then went on reading from the Comprehensive plan, page 2 of the exhibit. *This "Future Land Use" map identifies growth which local officials are targeting as those neighborhoods or regions which will accept the bulk of future development. -Growth Area South- also has public utilities available along the periphery of the area which can be readily extended to create opportunities for development. Due to this area's proximity to the City of Butler, Route 8, and public transit, local officials have determined that **multi-family residential development should be encouraged in the Growth Area.** Single family uses will not be discouraged in this area, however, Growth Area south is proposed to accept the*

future higher density residential development needs of the Township. The current zoning ordinance should be reviewed to determine its applicability to this proposal. Aubrey stated that it goes on and on in the exhibit about where expansion should that place in the Township. He referred to the expansion map in the comprehensive plan and stated that it was done in 1999 and since then a couple malls and such have gone in. He stated that they were designating the growth as being east of Mercer Rd. However this land was ~~ne~~ *not* suitable for growth due to natural ravines and swamps. So they moved it 500 yards west and found gently rolling hills, all utilities, road system, large tract of land, multiple owners, and a great mix to the expansion growth in Center Township and for our region for that matter. He stated that all he is here for is for the rezoning for the best use of the land there is no other reason.

Aubrey stated the next exhibit; exhibit Aubrey 2 is from the Center Township Impact Fee Program. He stated the proposed was to look into sewage and traffic. He explained that they segmented the entire Center Township area and designated it a number and that's what the numbers are applicable to. Page 2 of the exhibit shows a map of all the designated areas. He went onto to read the narrative on page 1 of the exhibit. *Using information contained in the mapping and an understanding of growth pressures within the community, the Advisory Committee made specific projections with regard to the location of the anticipated development. This necessary step allows the growth projection to be loaded onto a transportation model which will be used to determine impacts specific to the areas of growth. This process allows impacts to be assessed based on expected needs and to target improvement where it will be most useful. Table 6 indicates the specific TAZ map parcel number and its projected number of units.* Aubrey went onto explain that W11, if you look at the map on page 2 is exactly what the area he wanted to rezone is. He stated that if you look at all Center Township there is nothing that even comes close to the projected number of units that W11 has for that little area.

Aubrey stated the last exhibit that he has is exhibit Aubrey 3, which is a report that was done by Roberta Sarraf, AICP. He stated rather than read her whole report he will just read the conclusion. *Rezoning the subject site to R-2 is recommended for the following reasons.*

- 1 The current R-1A allows a number of uses that are not compatible with the high value subdivision around the golf course immediately to the South of the site.*

Aubrey stated that he wanted to elaborate on the that point because in R-1A you can put a trailer park in there, farm, municipal waste dump, cemetery, none of which I think are what people around this neighborhood would like to have in this area.

- 1 Characteristics of the site are not consistent with the stated purpose of the R-1A District to "maintain rural Character."*
- 2 The location of the site on the regional highway network (Mercer and North Duffy Roads) is appropriate for a mixed use residential development. Traffic generated from the development will have direct access to these major roads.*
- 3 The location of the site on the boundary of Butler Township and in close proximity to the City of Butler is a key location to accommodate growth as it*

progresses north from these more developed communities.

- 4 *Additional R-2 property in a future growth area of the Township will protect the Township from an exclusionary challenge, as the existing R-2 sites are developed.*
- 5 *The proposed R-2 classification is compatible with and a good transition from the higher density R-2 classification of the golf course in Butler Township.*
- 6 *The density of the proposed development is very close to the single family density authorized in the R-1 and R2 Districts.*

Aubrey stated that he is not here to discuss what he plans on doing with the land once it is rezoned however there are not going to be 8 units per acre there will only be 2 units per acre. A lot of the property will not have anything built on it. He wants it to have rolling hills and streams with lots of green space.

7 *The size of the site and the multiple owners remove any question of spot zoning.*

Aubrey stated that this report was from a professional. He stated in closing there's multiple owners, a large tract of land, road system all the utilities, and besides that water system Aubrey stated that he has a sewage system on the east end of the property and on the west end of the property that can take a gravity flow from anywhere on this property. He stated that what he is trying to do wouldn't impact the roads, what is impacting the roads everyone going across Center Township roads to get to the mall in Butler Township. He stated that he is open for comments or questions on this matter at this time.

Flatt asked if any member of the Board have any question or comment on the rezoning request.

Brian Hortert: You said you didn't have any current plans for the property?

Aubrey: Well I have plans but I don't think it's appropriate at a zoning hearing to talk about them. Now I'm just asking for the best use of my land. R-1 is not the best use for my land.

Brian Hortert: What about Mr. Thomas how does he fit into this plan?

Aubrey: Well he's just going to tag along with whatever I decide to do in here.

Brian Hortert: So whatever you decide to do with his land he is fine with?

Aubrey: Yes

Flatt: I have learned the answer to a question by looking at the map but I'm going to ask the question so that it goes into the record. My question was what is the zoning in Butler Township of Westbrook Drive? I learned by looking at the map it is R-1. That would be the on the map the purple designation.

Flatt: Any members of the Board have any further comments or questions?

Flatt: Does any member of the audience who was sworn wish to question as to the presentation that was made for purposes of clarification?

Nancy Mikan- 205 S. Link Dr. Butler Pa 16001- On that map there George has the property right behind my house and its zoned R-2. I don't believe it is R-2. I wanted to clarify as to when it was changed to R-2 because I was never notified that it was changed.

Flatt: Can you just show me where your property is located ma'am?

Nancy Mikan- Yes (she shows him on the map)

Flatt: I think where we are talking about is right in proximity to the cul-de-sac. In Butler Township.

Nancy Mikan- Yes that is it and I never got notification that it was changed.

Flatt: Well being that it's in Butler Township that would not be our jurisdiction and it should be taken up with Butler Township. Center Township had nothing to do with it.

Nancy Mikan- Ok. The other question that I had was in regards to the sewage. There aren't any more sewage permits being issued. The back of the purple area there I think that was the Heist property, it's on the side of a cliff and there can be not sewage there it would have to be pumped to a sewage pipe from there. Most of the sewage would have to be pumped; it is not free flowing down hill nor is it from my place. It goes up hill, so there is no way that sewage from my place can go all the way over to Duffy Rd.

Aubrey: Yours won't be going to Duffy Rd. This section here (pointing to the map) goes down to Alameda Park; there are sewage lines that come off of both sides of the property. It's all free gravity flowing right down to this property here (pointing to the map). This is the high section of land right thru the center here so it free flows either one way or the other.

Flatt: I am not familiar with the ~~typography~~ *topography* of the internal property that can't be viewed from the road because I have never walked the property. There is one part of the purple the former Heist estates, probably that northern part that might have some problems with gravity sewage. I am not sure where that water shed line would be and I don't know enough about it.

Nancy Mikan: I just know that BASA will not let any more than 5 tapes because I called them.

Flatt: Ok, remember this is not a time for testimony, this is for clarification questions. You will have all the time you need for that later.

William C. Robinson Jr.: I live at 111 Aubrey Drive. I just have a preliminary question for you. Who is actually the applicant?

Aubrey: Me

Robinson: Ok you are the applicant for several other property owners, you, and three other property owners.

Aubrey: Two other property owners

Robinson: Thomas, Heist and Rivers?

Aubrey: Heist is now my property so it's part of the Aubrey property, Thomas and Rivers.

Robinson: Well according to the notice of public hearing that was received the parcel is owned by Heist on the map. So that was an error then?

Aubrey: yes

Robinson: Is there a deed recorded at the courthouse for the sale of that property?

Aubrey: Yes

Robinson: In regards to Thomas and Rivers what authority do you have to speak on their behalf? Do you have an agreement of sale or anything?

Aubrey: They gave me a written letter.

Robinson: Do you have that written letter?

Aubrey: There should be no problem. They signed the application along with myself.

Robinson: I'm bringing this up to the Board because in order for Mr. Aubrey to represent apparently two other property owners Mr. Thomas and Mr. Rivers and the Heist property is now owned by Aubrey so that was an error but if there is a deed then there is a deed. Usually in order for Mr. Aubrey to legally represent these two other property owners it is usually done under an agreement of sale. He stated that he is not convinced there is adequate evidence that Mr. Aubrey has the legal right to represent Mr. Thomas and Mr. Rivers.

Flatt: We do have a resubmitted application baring all three signatures so he is not speaking to make application, he is speaking in representation. But in terms of making application I have a document with all three signatures on it so all three are applicants.

Robinson: Is there anything in the record that indicated Mr. Aubrey's legal or excitable title to Mr. Thomas property or Mr. Rivers's property?

Aubrey: I have given the Township a letter awhile ago from Mr. Rivers.

Flatt: I have the letter in the file. It is dated January 5, 09 and reads; We Donald W. and Linda M. Rivers owners of said property, (parcel # 060-S7-BA-0000 AKA 334 North Duffy Rd, Butler PA 16001) a 4.19 acre parcel located in Center Township, hereby authorize Mr. George Aubrey to include said property with his application for rezoning from the current R-1 to a new rezoning of R-2. They say R-1 but it is clear that they mean R-1A. So holding that and holding the application with all signatures on it.

Hortert: I would just omit that the fact that all three of them have signed the application and the fact that none of the three were not legally required to be here tonight, then they don't have to come in and give a reason.

Robinson: So there is nothing in the record that indicates Mr. Aubrey's legal or excitable title to Mr. Thomas's property or Mr. Rivers's property?

Flatt: No

Robinson: Is that picture print going to be used as an exhibit Mr. Aubrey?

Aubrey: Well to tell you the true it is an old rendering because this property isn't involved and this isn't involved and this here was taken care of in Butler Township.

Robinson: Just one more question. What is unique about these properties with regards to their size, there ~~typography~~ *topography*, in relation to the other properties that can give the Supervisors to make a better stand on the rezone? What's so unique what the Thomas parcel, the Rivers parcel, the Aubrey parcel and any parcel included in this application?

Aubrey: Size wise? ~~Typography~~ *topography* wise?

Robinson: yes

Aubrey: This a fairly large parcel compared to the other R-2's in Center Township and it has all the utilities. It has a road system, multiple owners and the largest growth percentage in the region.

Robinson: Topography?

Aubrey: well it has gently rolling hills and it all blends in.

Robinson: Thank You

John E. Keffales: 110 Iroquois Dr. Mr. Aubrey what's the nearest R-2 Zone in Center Township?

Aubrey: It right there on Mercer Rd. I believe that it's your cousin or somebody that put that in Blossom Ridge.

Keffales: One more question. Is this area larger or smaller than the other proposed

property that you wanted to rezone?

Aubrey: Well it's not larger, I didn't own this property back then (pointing to the map), and this used to be involved in it. I believe 40 acres and so it's decreased by about 40 acres.

Keffales: I do have just one more thing. The man holes that are located on your property, do you have any documentation that it will except that sewage for what you're proposing to put there?

Aubrey: I'm not here to start a development, I'm here for the best use of the land by getting it rezoned but I can tell you that if there was any expansion there we would go through engineer approval and DEP and if it was approved then it was approved if not then it's not. I'm sure that the Engineers would make me put catch basins and retention ponds in where they would be needed.

Richard Heins: Peters Ln- I'm just a little confused, can you point out about parcels we are exactly dealing with here?

Aubrey: (point to the map) this lime green section here which is directly in Center Township is Aubrey property, this brown section is Mr. Thomas's Property, the green parcel is Aubrey property, the purple parcel is the old Heist property that I now own and this parcel here is the Rivers Property. Now there is a 40 foot right of way here and we are going to put another right of way in that will enable access to the rest of the property. So that there is an entrance and exit off of both N. Duffy and Mercer Roads.

Flatt: At this time does any Supervisor have any point of clarification or any other questions of clarification?

Flatt: Ok, then at this time with will open for public comment. Not all wished that they wish to speak and not all have been sworn in, I attempted to know who has been sworn and who hasn't so by me indicating your name from this I will assume then that you were sworn and if you haven't please say so and we will have you sworn. The first person on the list that indicated that they wished to comment at this time was John Keffales.

Keffales: Can I wait until a little bit later?

Flatt: The next person I have indicated that they may wish to speak and that is Roxanne Newell.

Newell: That would be me.

Flatt: Were you sworn?

Newell: No.

Flatt: Do you wish to speak?

Newell: Yes, I have a couple questions.

Flatt: Would you please rise. Is there anyone else that wishes to speak that was not sworn? Please rise.

(Court Reporter sworn in all who wish to speak)

Flatt: Roxanne

Newell: You say you want to best use for this land but you don't want to tell us what you want to do with, so if they rezone that you can do anything you want with that.

Flatt: George, that's my question. The reason I'm going to take this from the applicant is because this actually goes towards more of a legal point rather than just an opinion of what you want to do with the land. The fact of the matter is that whatever a property is zoned the property owner is legally allowed to use it in whatever way the Township

designates. Right now it's R-1A and any resident that owns R-1A property can use it in any way that R-1A permits or conditional use. For it to be changed at their request then any use in the Township ordinance for an R-2 would be available but anything an applicant, any applicant not just this one, would tell you about his attended use is not binding, so there is no reason for him to present a detailed land development because he is not bound to it anyway. It is what it is and it can be used that way if it is changed it can be used in anyway. What we allow in R-1A or in R-2 is available on our website for your review or there are ordinance books here at the office that you can purchase so that you can ~~now~~ know what the uses are for that but you can go centertownship.net and find that information. Ok, so your assumption is correct, he can use it for whatever is designated for that zone but we have learned thru many years that applicants are not bound by what they may plan or show tonight. He has learned that is ~~pass~~ past experiences and that is why he doesn't need to show that tonight. It is not required and non binding anyway.

Newell: Also the entrance in and out, the purple area, there is going to be like two separate entrances your thinking?

Aubrey: yes, the Rivers property because he needs an entrance and exit from his property. He needs to get in and out of there and have access to the development. Is that right?

Flatt: We do have a dim view on limited access to developments for purposes of public safety.

Newell: Is that were Heist had the old farm house that burnt down? It's that little white section there?

Aubrey: Yes, and this is the road going back to this little house. This is the right of way that I have to the adjoining property.

Newell: That's all I have.

Flatt: Nancy Mikan your next on the list.

Mikan: I want to know if you do a traffic flow test before you change something from R-1A to R-2.

Flatt: We have not done a test on that site, I don't know, did the Impact fee committee measure traffic flow along Mercer and Duffy Rd?

Olsen: Yes

Flatt: Ok, well I don't have to information here but it does exist in public document.

Mikan: I would also like to know that all the property north of there is all R-1A which is a large piece of acreage and I think that should all remain the same. It's a good piece of property for individual homes not multiple dwellings. I have one more question also. I would like to know if what I heard is true and that is, did George Aubrey... well I don't know how I want to word this.

Flatt: Are you done with your public comment?

Mikan: Well I just want to say that spot zone is spot zoning in Center Township and I am truly against it and will fight against it.

Flatt: Judy Dibble

Dibble: what?

Flatt: You have indicated that you wished to speak.

Dibble: No, I was going to but I don't wish to know.

Flatt: William Robinson

Robinson: Most of us in this room probably remember the old vinyl 45 records, the 33 albums, before the days of headphones or whatever they're called. I'm reminded today in these proceedings of those old 45's and 33's because when you get a scratch in them they play and they repeat and repeat. My point is that nothing has changed at all since February 2007 when this very same one was requested for a rezoning request. There has been nothing new presented here today by Mr. Aubrey, by Thomas, by Rivers, by Heist that would persuade you the Board to change your minds except the property he is requesting to be rezoned got smaller which causes the spot to become more pronounced, nothing else has happened in two years. I carbon copied an article from the Butler Eagle on February 14, 2007 containing quotes from Chairman Flatt: Quote: It is highly unlikely that I will support any rezoning request in the southern part of the county, I think he meant the Township, without resolution of the sewage issue. Supervisor Latuska: quote: I feel that it is spot zoning and it goes against the comprehensive plan. Supervisor Hortert was not quoted but according to the article expressed concerns about the sewage issues and the multiple owners who may be able to be counted on to develop the land in a unified way. You may remember 15 minutes ago Brian Hortert's question to Mr. Aubrey alluded to that with regard to Mr. Thomas is going to be on board with whatever you do Mr. Aubrey. That was Mr. Hortert's concern two years ago. Finally Mr. Schiebel: quote: I work for the people in the township end of quote. I do believe said Supervisor Tom Schiebel who he believed was against it. He also said quote: When people buy property that have to expect that it will stay the same as far as zoning is concerned. So that being said again what has changed? I was here two years ago and I pulled my file found it and looked at my notes as to what I was going to say to you and I almost said the same thing and she said the same thing and he said the same thing. If you are all saying the same thing and if you guys were against it two years ago then it should pan out that you are against it now. I'm going to change things a little bit. I'm going to change the order. Before I went with the legal prospective just because I am an attorney but I am here today because I personally live south of the two fairways, I'm just going to point it out to you guys just so you know. My wife and I own this lot here (pointing on the map). So I'm here in there regard too. I ended two years ago talking about people prospective and I'm going to start with that. When we bought this lot, two things that I relied upon I don't know if my wife did, but what I relied upon I'd like to offer into evidence as an exhibit for the record and for your consideration. The first thing is a subdivision print recorded in Butler County, record book 147 page 40 July 25 1991, and what it shows, I don't know what we want to call this, public exhibit #1, What it shows up here and I've highlighted in pink is this land right here, not here, not here, it's right here. You will see on the subdivision the lots that surrounds the two beautiful fairways and back in 1991 when this was recorded we have up here at the northern part of the golf course and the southern part of the request for rezone, here are the phases of the development. Phase one and phase 2 are all single family residences. My wife and I purchased the home on reliance of it being single family residences not multifamily and not any of the permitted uses under R-2. This public exhibit one has to be reviewed and understood by you in conjunction with exhibit #2. Public exhibit #2 is the sales brochure from Mr. Aubrey that my wife and I receive in contemplation of buying the lot before we bought it, again we bought it 1999. I want to read part of it to you folks to drive one of my points about what my wife and I relied

upon and I'm sure that Mrs. Mikan did too. I'm sure that the other owners in the Links plan did as well. *Imagine, actually living on a Championship 18 hole golf course. Only a very few (43 to be exact) fortunate families will ever be able to enjoy that lifestyle at the "Links". This exclusive residential community with restrictions on size, type of construction, architectural and landscape design will surely become the choice of a discriminating few families, golfers and non-golfers alike. The "Links" home sites surround the well known and very challenging Aubrey's Dubbs Dred Golf Course in Butler County, Pennsylvania.* It goes on talks about the Golf Course you can read it. Point being if you look at the public record where it says phase three, you look at the developments that have gone around here is where I live, this is Mrs. Mikan's place, so single family housing. Now there are 3,4,5 homes here now too, John Aubrey lives down here, all single family houses. Ok, phase three what's it going to be, multifamily residential, is it going to be a trailer park, no its going to be single family lots exactly like other lots that people bought and that the point. We did not buy into the Links plan to have anything but single family homes across the two beautiful fairways. Personally it doesn't affect me what happens to the purple piece or probably even the green piece, I'm more concerned about the Aubrey and I think it's the Thomas properties but we aren't here to eliminate just one or two so we collectively with the opposition of all. So that's the personal view point so I would offer that to be public exhibit #2. The legality in the thing, we heard the same old thing we heard about how a letter from Roberta Sarraf, a well known planning expert and her letter that was part of your decision making process two years ago but there was no updated letter. It was the same old stuff resited by Mr. Aubrey not by Mrs. Sarraf. Question why wasn't she here? Is she unavailable and why should she be here? She should be here to answer your question not ours but yours. Same old stuff two years later. Now we all know what zoning is and what its purpose is but I'm going to repeat it. It is the ability of you folks to provide as elected officials to designate uses of certain pieces of land. That's a general overview description of what zoning is but the law says that rezoning cannot be employed to cater to private desire and that's what this is. This is a land owner's desire with the interest in three other pieces of land to carry out what he wants to do. We didn't hear a thing tonight about how this will benefit the public meaning Center Township, the residents of Center Township. We didn't hear a thing about that and that's important because that's the basis of you guys doing the rezoning request. According to the case law, I ask this to, what is so unique about the size of these parcels to distinguish it from the surrounding parcels the fact is this that this is a request for rezoning parcels. There's nothing unique about the size, it's all about the same and it's all about the same with the adjoining parcels. That can't be disproven, what about the ~~typography~~ *topography*? What's so unique about the ~~typography~~ *topography* of the parcels in comparison to the adjoining parcels to justify the uniqueness to rezone? There absolutely nothing its all rolling Mr. Aubrey even said it earlier tonight, all hills and rolling nothing different. What about the location and characteristics of the land, that blends in with ~~typography~~ *topography* but location. What's unique about the location enough to justify the rezoning. Now if this land is rezoned, is it being treated differently than the surrounding lands? Absolutely yes, everything to the north, to the east of Mercer Rd, if you go across Mercer Road to the east you've got a few houses then a ravine and some woods and uprooting to Rt. 8, to the west single family housing,

nothing but. To the south there is the golf course and single family housing that's what's there. That's the main reason to rezone, there are different characteristics but there aren't everything's the same everywhere you look and that's why it's spot zoning. Another way to look at it is that the average rezone these properties was it an effort to distinguish four parcels from the others? It most certainly is. That's what spot zoning is. Now you all know and you can talk to your solicitor but you can't make an arbitrary decision, you can't be discriminatory against Mr. Aubrey, he's got to present you guys with evidence that the rezoning will have a positive substantial impact upon the public, safety, and I'll even ~~through~~ *throw* in morals in this day and age. That's the law and what did we hear tonight about it. We didn't hear a thing. What expert did he present to say look at all of these uses in an R-2, here is how it's going to benefit Center Township. What we heard is here's how it going to benefit George Aubrey fundamentally against the reason the rezone property to benefit one or two individuals. Other things you should consider, what impact will a rezoning have on the other properties. I hazard to say that it would have severe impact on surrounding R-1A properties. Is there a relationship between the overall comprehensive plan and the rezoning request? Two years ago there was. Has the comprehensive plan changed in two years. It hasn't. How long have I talked five minutes?

Flatt: Are normal meetings have a 3 minutes limit.

Robinson: Well I guess I'm done then.

Flatt: I would ~~not~~ *rule* that you are then. Remember this is not a rebuttal back and forth situation. You made your presentation talking to Aubrey, he raised a point (talking about Mr. Robinson) now it's up to us to decide the merit of arguments.

Flatt: The next person on the list in Richard Hein.

Richard Hein: Peters Lane- This property is currently R-1A is that correct?

Flatt: Yes

Hein: What's the next step above that R-1?

Flatt: Yes in Center Township it is R-1.

Hein: So we are jumping to spots to R-2 and of course that is for multifamily residential I do believe, it's not going to blend in with anything surrounding it in my opinion. Actually the golf course is R-2 but that's a golf course. That's not multifamily housing. One point of brought up yourself (talking to Flatt) once this property is rezoned to R-2 there is a lot that could happen to this land. It would probably be in everyone's best interest and the Township's best interest to deny his request.

Flatt: That wasn't my opinion I believe that's a matter of law.

Hein: Quiet frankly I'm more concerned about a property that is not part of this rezoning but right next to it and if this request were to be approved, I think it would just snow ball and there would be no reason not to rezone larger tracks of land as well. It's a big can of worms to open. I could possibly see it as R-1 the next step up but certainly not as R-2.

Flatt: Ok, that exhausted the list of people that wished to speak, John you wished to speak as well. I'm going to let her speak next and then John you can speak. Please state your name and address.

Charlene Campbell: 364 N. Duffy Rd.- I have lived there since 1953. In my concern have changed since this last went through mainly because I have become a senior citizen on a fixed income. We are hearing a lot about growth in the township but I

remember in 2005 there were 60 residents that were going to be affected by the rezoning then and I'm wondering if all the 60 residents are still going to be affected or if they moved away or become like me a senior citizen on a fixed income. If that's the case every time I get a little increase it's taken away because Medicare, so I'm on a fixed income right now and which means that I'm going to have to pay between \$28 to \$29 thousand dollars at least from people that I called, that's for sewer, water and gas lines. Now if we are going to look at his point of view on growth then can we not as a zoning board look at the other side of this. I'm a resident that happens to be elderly on a fixed income. Are you going to go out and help us find money to make these changes for these properties? I don't have \$30,000.00 to spend so someone can make money and I don't want to move. I like where I live. I'm not against growth what I'm against is going into debt right now so that someone else can make money. If you give me a way to find how I can deal with that debt, I have no problem with water, gas and sewer lines. But you need to look at the other end of this, you need to understand that we don't have \$30,000.00 dollars in another bank account for water, gas and sewer lines to our homes which we are going to be required to buy into.

Flatt: By whom?

Campbell: I don't know I can't answer that because right now I have a well and a septic tank and my understanding is that I have to change, I have to switch over to city water, city sewage, city everything. That was my understanding when I called these people to talk to them.

Flatt: You called someone at the township?

Campbell: No no, I called plumbers and people that do this kind of work. They said that if this gets rezoned and everyone around you switches that I have to switch too. I got very frightened. Who is right?

Flatt: This board has no plans to require anyone to do any of those things.

Campbell: So, I can still keep my septic tank and I can still keep my water.

Flatt: No no, I cannot say if you can keep your septic tank, if you have a septic tank that leaks and I can't say you can keep your water line if it breaks. What I'm saying is that the township is not requiring any changes.

Campbell: Ok, let look at this purple area here because I live very close to that area because that is my road. If you only have one access right there, there are two sights right now one of them is at 248 and the other one is between 252 and 356. These are undeveloped on sight right of ways, in other words they have either been quietly dealt with by Mr. Thomas, and we both know we are going to be in a very bad situation because each way, one of those is going to cause I problem with entering or exiting. If you create a second opportunity to enter or exit. So for all intensive purposes you have no other way in and out of that one piece of property. Nothing else is safe between there and I know because people have come into my yard, they have taken out my tree and my bushes. The bottom line is that it is not safe there and there is nothing that says that I traffic light is needed. It will not be safe enough for the elderly or anyone to have enough time to get in and out of the plan. The traffic report would be very important to us to determine where we are going to out that other road. Ok, another point that I want to made is about sewage, I remember a long time alone when I first moved that there was talk about a sewage default. I'm not sure if that's the language you would use but the property that was requested was denied and Board decided not to make a

decision to deal with sewage. So we all kept *are our* septic tanks. The bottom line is I don't want to see all his newly developed land all beautiful and green when what he is putting outside that area a sewage system. If we are going to allow and give him the right to develop this land then that sewage thing should be inside the area, not outside in our area. He can't have the right to loop that outside into our area that has already been established residential. Those are my concerns, I would hope that you would keep them in consideration as you make your decision. Thank you very much for the opportunity to speak.

Flatt: John

Kaffales Keffalas: Just for the sake of not reiterating on what's already been said in going to refer to what Mr. Robinson said about quotes from the Supervisors. I do have in the minutes of February 14, 2007 comments from Mr. Hortert and Mr. Schiebel, Hortert at that time thought that there was several factures including current BASA issues that made not rezoning the property the appropriate action. Mr. Schiebel voted against the rezoning because the residents that he had spoke to were against it and he wanted to do what the residents wanted. I also have a letter from Mr. Thomas, it just basically its dated June 29, 2009, it basically stated that there is really not that much change, the zone and the sewage requirements in this area as far as amount of connections that are permitted. It could take years to develop this property. Also, on the R-2 issue in Blossom Ridge, Margate Manor was grandfathered and because Blossom Ridge was next to it was rezoned because it was butted up against Margate Manor. There nothing that is within the Manor that is zoned R-2. The road that is in red is considered the actual boundary up to that stage. It's my ~~believe~~ *belief* that it would be spot zoning if you rezone this request.

Flatt: Ok, Mr. Aubrey, and remember if you feel with Mr. ~~Kaffales~~ *Keffalas* comments were actually in error explain to us why you think so.

Aubrey: There are actually big changes from when I presented last time. This little strip of land know (pointing to the map) is R-2 not R-1, this big block of land is R-2 not R-1A, so all of this in Butler Township is now zoned R-2 right up to the Center Township lines. So I don't know why it would be considered spot zoning if this is almost 300 acres that is zoned R-2 already. Other than these bring zoned R-2 as they weren't before this water line is connected to the southern end so know it has adequate water for any kind of development you put in here. I did that so we would have adequate water to the hydrant here. So there are two very critical issues aside from the fact of all the expansion in northern Butler Township.

Mikan: I'm sorry I'm a little confused may I ask a question?

Flatt: Address the Board.

Mikan: In 2005, supposedly there was 170 acres that were included in the last rezoning. Mr. Aubrey stated that this was not larger than it was before but I just heard him say that it was 300 acres.

Aubrey: It includes two golf course in Butler Township.

Mikan: I'm not trying to be rude but if this is so important to you, you already have a piece of property that is zoned R-2.

Flatt: Excuse me, address the board.

Mikan: Ok, if this is so important to him and we have shown him time and time again that we don't want this rezoned, why don't he use to piece of property that is already

rezoned R-2?

Flatt: It's not this Board's business to tell individuals what they can do with parcels of property that do not lay within Center Township.

Mikan: But if he is pursuing a particular goal then why? We are showing him that all the doors are closed. He has the means to open that down at any time that he chooses with the property that already zoned R-1 in Butler Township.

Flatt: I take your point

Mikan: Then why do we need to rezone?

Flatt: I'll take that as a rhetorical question. I'm going to ask a question, it may sound like an opinion but I'm going to ask it for knowledge purposes. The submission that you submitted here Mr. Robinson for the development done by the land surveyors, this was done in Butler Township, this is a record from Butler Township?

Robinson: Butler County

Flatt: Ok, those plans would not have been part of Center Township's record because they were recorded at Butler County, so if I wanted to review them I would go to the courthouse correct?

Robinson: Yes.

Flatt: Yes, but we wouldn't have a record of it because it was never submitted to Center Township, currently that parcel that is taxed as part of Butler Township.

Robinson: Yes

Flatt: Ok.

Robinson: Only the first two pages were approved, I third page was a rendering.

Flatt: Ok, Mr. Robinson, this document that you have obtained from the courthouse, did you know that this is a final submission. This is the last submission on this property.

Robinson: There had been plot plans for these lots. I believe there is one on record for this lot.

Flatt: I'm just asking in fairness that if I want that information I should obtain it myself.

Flatt: Does any member of the Board have any question or comment?

Robinson: I have a question for you guys, is there entered into evidence and copy of the Butler Township ordinance that allegedly shows the overlay of the white area south of the Center Township properties shown on the map?

Flatt: no he didn't submit the map.

Robinson: I guess my question is when was it done?

Flatt: I don't know.

Mikan: May I speak for a moment?

Flatt: Sure

Mikan: I just wanted to say that the last time Mr. Aubrey wanted to do this we had 100% participation against it. I am terrified that I would lose the value of my property.

Aubrey: May I make a statement?

Flatt: Sure

Aubrey: right now R-1A can be a municipal waste dump. Not that you guys would like it go thru but that's what its zoned for. You could put a cemetery there is that correct?

Flatt: As I have said before you can legal do whatever the zoning uses are as permitted in the ordinances.

Mikan: I have another question for Mr. Aubrey.

Flatt: Go ahead

Mikan: Think about this as a last comment. Mr. Aubrey chooses to have a ~~gold~~ *golf* course, we choose to keep the zoning as is. Why should this property be rezoned when Mr. Aubrey already has a piece of land zoned for what he wants to do. Would you support Mr. Aubrey if he wanted to convert his ~~gold~~ *golf* course into multi family dwelling because it is already zoned for such?

Flatt: Again I'm going to take that as a rhetorical question.

Flatt: We are concluded as far as the public comment. Once we conclude this meeting we the board of supervisors are under an ordinance requirement to vote of this request within 90 days. It is our expectation as a board to place this on the agenda for the March meeting. Do I have a motion to adjourn this hearing?

Hortert: So moved

Flatt: do I have a second?

Erie: Second

Flatt: Meeting adjourned.

CRYSTAL WILSON

Township Secretary

RONALD E FLATT

Chairman

ANDREW ERIE

Vice Chairman

BRIAN K HORTERT

Supervisor

EDWARD G LATUSKA

Supervisor

THOMAS G SCHIEBEL

Supervisor

