

July 5, 2022

The regular meeting of the Millcreek Township Planning Commission was held on Tuesday, July 5, 2022, at 5:30 p.m. in the Assembly Room of the Millcreek Township Municipal Building, 3608 West 26th Street. Planning Commission members present, Chairman Mr. Gene Strohmeyer, Messrs. Kubeja, Skellie, Reade, and Mrs. McCabe. Also, present were Matthew Waldinger, Director of Planning & Development, Matthew Puz, Zoning & Development Officer, and Attorney Jennifer Hirneisen, Counsel for Township. Absent were Messrs. Sitter, Stewart, and Prozan.

The meeting was called to order at 5:30 PM by Mr. Strohmeyer.

At this time, Mr. Strohmeyer informed the public that the Planning Commission proceedings were streamed live online and are accessible at <https://www.millcreektownship.com/meetings>.

Following the Salute to the Flag, a motion was made by Mr. Kubeja, seconded by Mrs. McCabe, and carried that the Minutes of the Meeting of June 7, 2022, be approved.

The following Subdivision/ Land Development Plan was heard:

MONTAGNA SUBDIVISION. Small Subdivision Plan. A subdivision plan to show the creation of Parcel "4-A", a 0.06-acre lot, from 5717 Vicki Court (tax parcel ID 33-162-506.0-002.07) with a residual lot of 0.25-acres. Parcel "4-A" is to become an integral part of 5731 Vicki Court (tax parcel ID 33-162-506.0-002.06) creating a 0.38-acre lot, along the east line of Vicki Court, south of West 57th Street, in Tract 343. **Indices 836-078 and 079**

John Laird, David Laird Associates, 1557 W 26 St, spoke on behalf of this petition. He stated that the plan before them tonight was to resolve an existing problem with the driveway when developed in 1974. A survey was completed in 1974 when Mr. Montagna built the home. Deeds were to be prepared to transfer the property and eliminated the encroachment of the driveway but was not followed through by the developer. David Laird and Associates were hired to fix the issue.

Mr. Strohmeyer informed Mr. Laird the Parcel 4-A was to become an integral part of tax parcel 33-162-506.0-002.06.

Mr. Laird replied he was aware of it.

There were no other public comments.

After discussion, it was moved by Mr. Skellie seconded by Mr. Kubeja and carried 5-0 to recommend approval of the petition to the Board of Supervisors with the following:

Requirement:

- Parcel 4-A, from tax parcel 33-162-506.0-002.07 is to become an integral part of Erie County Tax Parcel 33-162-506.0-002.06.

POPEYES. Sketch Land Development Plan. A sketch land development plan showing the construction of a drive-thru eating and drinking establishment with associated stormwater management and parking facilities at the northwest corner of Marmon Drive and Peach Street, in the Hilltop at Kearsarge Tract. **Indices 739-018, 020, & 022**

Sherry Bauer, SBR Real Estate, spoke on behalf of this Sketch Plan for the owner of the property who resides in Florida. Ms. Bauer realized that the main issue in the prior submittal was the ingress and egress and would like to address it tonight.

Mr. Strohmeyer stated that this plan was the same as the prior submittal. Ms. Bauer responded that it was. Mr. Strohmeyer informed Ms. Bauer that the same issues exist, and nothing had changed on the traffic patterns with respect to Peach Street and Interchange Road. Mr. Strohmeyer informed Ms. Bauer that in June the Township performed a traffic count of vehicles on the road for Marmon and Spires, access into the Mattress Firm (the one way into Popeyes), and the exit from the Mattress Firm onto Marmon. Mr. Strohmeyer gave Ms. Bauer a copy of the traffic count and read it aloud. According to the traffic count and added estimate of 300 cars per day (600) multiplied by 7 days would be 4200 cars added to the traffic count the Township performed. Also, there was still no way to get into Popeyes going north on Peach Street or west on Interchange Road. Access would have to be going south on Peach Street or east on Interchange Road. Mr. Strohmeyer asked Ms. Bauer if she was aware of that. Ms. Bauer replied that she was aware of it. He indicated that Avon Street would become a highly trafficked area, which in the winter was going to be a challenge.

Mr. Reade expressed his concerns about the increased traffic flow on residential roads and neighborhoods.

Mr. Skellie expressed concerns about the traffic counts and the condition of the streets two years ago. They were not meant for this kind of traffic. Mr. Skellie asked Ms. Bauer what her argument was in the light of this traffic count.

Ms. Bauer stated that with all due respect, she did understand what everyone was saying and the concerns. The reason she was here was because she represented the owner of a property who felt that he had made an investment in the property that was zoned properly and would like to make the best of his investment. Now, he was being told he could not do it. She also had family in the neighborhood and respected everything that all the neighbors were saying. She was not here to cause any problems or challenge anyone. They were here two years ago and had hired a consultant to make the presentation and design for them. They were currently working with Mr. Welka's firm who would be the one that would submit the final drawing if it moved into the next phase. She respected what every decision the Planning Commission makes.

Mr. Skellie thought that with the new presentation, a new design change would have been presented but was not. He felt that it was where they were two years ago.

Mr. Strohmeyer asked if Ms. Bauer knew who was pursuing the development Popeyes or the owner of the property. Ms. Bauer responded that both were pushing it. Popeyes wants to be on Peach Street.

Mr. Waldinger indicated that this sketch did propose a retaining wall north of Marmon and down Spires. He clarified the process of the sketch plan and a formal plan.

Dean Moon, 6023 Spires Dr, asked if the Board had an accident account for Spires Drive and Interchange Road. Some of the members replied no they did not. He suggested that they get one to see how many accidents occur there because there were quite a few accidents there. Drivers then take their lives in their hands when they turn up the street. Ms. McCabe witnessed a near accident over the weekend at that intersection.

Irene Washok, 6006 Spires Dr, hoped that her road would be paved. It was on the list this year, but she won't hold her breath. As for the Popeyes plan, anyone coming north bound would have to come down Spires Drive to get there because there was no other egress, trash would be everywhere and she does not want to pick up everyone's trash, and she did not want the smell from the fast-food restaurant when boiling out fryers makes her sick. This was a small quiet residential neighborhood with children, dogs, etc. and she does not want this or the increased traffic in the neighborhood. This was the second time that they were trying to put this plan through and thought that the owner thought the neighbors were stupid and going to change their minds. She suggested that they build Popeyes on the Sears lot.

Michele Corey, 1925 Marmon Rd, stated that she would be looking out her front door at the business. The main concern for her was the increased traffic and did recognize that they were putting up cement barriers so the patrons would have to turn only in a certain direction. She informed the board that the amount of space from the exits to the street was narrow, one maybe two cars could fit. She noted that the traffic from Zoom Tan did not look left coming out and when the residents turn in off Peach Street have to pay close attention because they have had a few close calls of being hit by them. She also thought that with the cement barriers and the slope of the parking lot in the winter, there will be a mess and traffic will back up.

Amanda Corey, 1925 Marmon Rd, stated that in the last two years, more children have moved into the neighborhood and that was a concern with the increased traffic this development would bring.

There were no other public comments.

COMMENTS/SUGGESTIONS:

- Popeyes would not have good access.
- It will increase traffic in the residential neighborhood. Individuals wanting to access the restaurant from the south must travel through the neighborhood.
- The residential roads would not withstand the wear and tear from the increased traffic. This was based on the traffic count performed by the Township and the developers estimated business traffic count.
- The proposed site is a small area, and the developer did the best they could do with it.
- Concerns with more traffic accidents on Spires Drive due to increased traffic.

There being no further business to come before the Commission, the meeting was adjourned on motion by Mr. Skellie, seconded by Mr. Reade, and carried unanimously at 6:09 PM.

Peter Kubeja ~ Secretary