

BUFFALO TOWNSHIP PLANNING COMMISSION

REGULAR MONTHLY MEETING

MAY 2, 2018

The Regular Monthly Meeting of the Buffalo Township Planning Commission was called to order on May 2, 2018, at 7:30 p.m. in the Township Municipal Building by the Chairman, Ray Smetana. This Meeting is being recorded. If anyone is taping this Meeting, please state your name and address.

The following members were present at this evening's meeting: Ray Smetana, Sue Gregory, Tim Gottus, Grant McConnell, Amy Trulik, Atty. Joe Charlton, David Ivanek, and Roger Kelly. Absent were Donna Davis and Chris Foust, both called.

APPROVAL OF THE MINUTES

On motion of Grant McConnell, seconded by Tim Gottus, to approve the minutes of the April 4, 2018, Regular Monthly Meeting of the Buffalo Township Planning Commission as recorded. Motion Carried. Un. Approval.

FENNEL PLAN – SILVERVILLE ROAD – SUBDIVISION

Gary and Karen Fennell are proposing a subdivision of a 2.15 acre parcel into two lots. Lot #1 will be a new total of .461 acre and has an existing dwelling. Lot #2 will be 1.689 acres and will connect into the sewer system.

The township office has received the Subdivision Plan, County Planning Commission Comments (BCPC did not have any comments on this Plan as per letter received on 4/23/18), Municipal Authority Comments (Public water and sewage does exist within the vicinity of this plan; however, the Authority would not require Lot 2 to tap into public water. Because of the accessibility and distance Lot 2 is from the public utility right of way, the Authority could drop a sewage tap in the vicinity of the existing sewage tap of Lot 1. For sewage service, tapping and MSI Fee will apply. Contractor is advised to contact the Authority Office for specifications related to the installation of sewage facilities as per letter received on 4/25/18), and Twp. Engineer Comments (letter received on 5/2/18).

David Ivanek stated this is a simple subdivision in the "R-2" Zoning District. In order to implement Section 503(11) of the PA Municipalities Planning Code, Buffalo Township has adopted an Official Recreation Plan. This section applies to new residential subdivisions or land developments that would create new residential dwelling units (including Planned Residential Developments or new Mobile Home Parks or new Mobile Home Lots) as defined and regulated by the Buffalo Township Zoning Ordinance. This Subdivision Plan creates one new residential lot; therefore, the applicant shall comply with this section or pay fee in lieu of required recreational land. Lot #1 is an existing non-conforming use, not meeting the front building setback. The subject Subdivision Plan will not remedy this non-conforming condition. Ray Smetana asked Gary Fennell if he understands the Fee In Lieu Of? David Ivanek explained that when you subdivide there is an Ordinance in the township that you either have to

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donate property for recreation or pay \$1500 per lot Fee In Lieu Of. Atty. Charlton stated you are creating only one new lot. David Ivanek stated that fee goes toward Parks and Recreation.

On motion of Grant McConnell, seconded by Amy Trulik, to make a favorable recommendation of the Fennel Plan on Silverville Road contingent on either there being a dedication of public space or fee in lieu of being paid. Motion Carried. Un. Approval.

ORDINANCE UPDATE

Atty. Charlton stated at the end of our last meeting, as we were proposing to pass this onto the Supervisors for their approval, everyone had some edits and questions. Everyone emailed those to me; I emailed them to Rick Grossman. Rick Grossman emailed suggestions out a day or two ago. He put a memo on the front with each issue and how he proposed to remedy it. I read through that and I do have some comments. We will discuss each of them. You will come to a conclusion on how you want to resolve that issue; I told Rick I would email him the proposal. The Supervisors and Larry will have it to review before their next meeting.

There was a comment made that there was a "RA" Rural Residential District that was never implemented on the map. Rick noted that was correct. It was created in 2014 to provide a middle ground between Agricultural and Residential. We have in there specific uses that are allowed in "RA" Rural Residential. Rick said that based on Solicitor's advice the township could implement the concept with another overlay integrated into the "A-2". It would be my opinion to incorporate those "RA" uses into the overlay portion of the Ordinance. Atty. Charlton stated someone could make the argument that it is a floating district. My recommendation is to integrate it into the "A-2". The Planning Commission agreed.

Atty. Charlton stated the next issue is the date of adoption. I think that Rhonda can get that to Rick.

Atty. Charlton stated the next issue is Oil and Gas Well placement. There were some comments that the language was somewhat imprecise. Some owners prefer the pad to be in wooded areas. Rick's original language was "in the development of oil or gas well sights the natural surroundings should be considered and attempts made to preserve existing trees and other native vegetation." He said we could put on the additional sentence, "the applicant shall show that the sight chosen for a well maximizes the use of topography or natural vegetation to minimize the visual and noise impact of the activity on the surrounding properties." I addressed my concern with Rick on this and he agrees, I think that the language that is in there without the addition isn't susceptible to a challenge. When you start putting in this language, you are getting into DEP Regulations about where they can place wells. I think

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if we keep that ought of there we are safer from challenges. My recommendation is to leave that out and just leave the original language. The Planning Commission agreed.

The next issue was a comment was made on Bed and Breakfast that large farmhouses would have more bedrooms and would make good Bed and Breakfasts. He altered the language to make the restriction only in "R-1" and "R-2" to preserve Single Family Development in the more developed areas. It will now read "no Bed and Breakfasts located in "R-1" and "R-2" shall have more than three guest rooms." I think that fix is perfectly fine; I would recommend that you make that change. The Planning Commission agreed.

The next issue is we don't touch centralizing requirements. He noted that for impaired fracking water DEP requires a five layer spill prevention and detention system. No required liners for fresh water because they don't impose any risks; they actually help to filter back into the water table. If you don't have it in there or mention it, you just have to follow the DEP Requirements. I would not touch that. The Planning Commission agreed.

The next item is power antennae/ communications towers. There is no issue there.

The next is the definition of Adult Entertainment. I raised the issue that I have not seen a Sexually Oriented Business Licensing Ordinance. Rick believes it was adopted ten years ago. He said if you can't find it; he will supply a copy. Do you know if that Ordinance was adopted? Mary Ann answered I remember something; I will look for it. Atty. Charlton stated I would like to see a copy if you can find it. There is no action to be taken on that.

The last one was whether our Board was three or five members for the Zoning Hearing Board.

On motion of Amy Trulik, seconded by Sue Gregory, to make a favorable recommendation of the updated Zoning Ordinance to the Board of Supervisors. Motion Carried. Un. Approval. Ray Smetana stated Rhonda you will need to put this on the Agenda for next week.

ADJOURNMENT

There being no further business, it was on motion of Grant McConnell, seconded by Sue Gregory, to adjourn this Meeting. Motion Carried. Un. Approval. Adjournment at 7:45 p.m.

APPROVED:

CHAIRMAN

SECRETARY