

**BUFFALO TOWNSHIP SUPERVISORS – REGULAR MONTHLY MEETING – MAY 23, 2018**

The Regular Monthly Meeting of the Buffalo Township Board of Supervisors was held Wednesday, May 23, 2018, in the Buffalo Township Municipal Building and convened at 7:30 pm.

The Meeting was called to order by the Chairman, Ron Zampogna. This Meeting is being recorded. If anyone is taping this Meeting, please state your name and address.

**Roll Call**

Ron Zampogna II	Present
Gary L. Risch	Present
Albert T. Roenigk	Present
Matthew J. Sweeny	Present
John Zurisko	Present

A majority of the Board of Supervisors being present, the Chairman declared the Meeting open for the transaction of business.

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**ANNOUNCEMENT OF EXECUTIVE SESSIONS; PERSONNEL; AND/OR INFO-GATHERING MEETINGS OF THE BOARD**

- (a) The Board of Supervisors met with their Solicitor this evening in the Township Municipal Bldg. on Sunday, May 20.
- (b) Gary Risch, Janice Zubrin, Rhonda Swartz and Carla Garia attended the 2018 Township Municipal Association of Township Officials Spring Convention on May 17.

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**APPROVAL OF THE MINUTES** of the May 9, 2018, Regular Monthly Meeting of the Buffalo Township Board of Supervisors, as recorded, was on motion of Matthew Sweeny, seconded by John Zurisko. Motion Carried. Un. Approval.

**OLD BUSINESS**

**DEDICATION/CONSTRUCTION OF CUL DE SAC ON SUNNY LANE AND DISCUSSION OF DEVELOPER'S AGREEMENT WITH THE KELLEY FAMILY**

Atty. Lutz stated that there is a Developers Agreement ready to go, but we are in the process of making some minor changes. The main thing we need to address is when and if the cul de sac will be started this year. We need to let this family know when we will be proceeding with this project and when they can tie these things in. I don't know where we are in regards with your decision to pave or where we are at with the designs. Gary Risch asked where are we with the design? Can they have permission to build if the cul de sac isn't built? Ken Howard stated that they have the Topographic Survey done and it is ready to be plotted to have a design prepared. Atty. Lutz stated the Kelley's submitted a letter, so we do not have to act within the statutory time period for the deed to be approved so we do have time to

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get this squared away. Even if Ken prepares the design with a budgetary standpoint you will have to decide if you will go forward with that in the summer, this month or next month. Ron Zampogna asked how long the extension is. Atty. Lutz answered another 90 days. Gary Risch can we permit her to build her house without the cul de sac being done. Albert Roenigk stated her lot touches Sunny Lane. Ken Howard stated that the lot fronts on the cul de sac that is being created, her subdivision plan sets forth the easement for the cul de sac and extension of that right of way for Sunny Lane. I would think if you had development of the cul de sac under your control you could control when that gets constructed and she could probably proceed with her home construction as long as the Developers Agreement covers the fact that her lot is fronting on a piece of deeded easement that you would have ownership of and that you would build the cul de sac on so you would want that deed transferred from the Kelley's to the township and then your construction would be at your leisure. Gary Risch stated we could do the base and stormwater this year and next year do the paving when we have the money. Ken Howard stated as long as they don't mind driving over your stone base or whatever you do build. Gary Risch stated make it passable. Ken Howard stated if you use your own road crew and your own forces, the cost would be better than bidding it out going out for public bid, but I think there could be a way they could get started on their house if they are anxious on getting started with the construction. Matt Sweeny suggested asking Tammie Kelley what she envisions. Tammie Kelley stated, my concern is that the road is only one lane wide and parking of construction vehicles will be difficult, so if there was language of some sort in the Developers Agreement stating that construction vehicles can park on the cul de sac area. Atty. Lutz stated as long as you give us easement there shouldn't be a problem with us parking there or are you talking about your construction vehicles? Tammie Kelley said whoever is building the home. We are getting bids now and are 90% sure who will be doing it. They won't be able to start until 3-6 months. So that would give the township plenty of time to get the base down. We wouldn't want to start with out that as it would just make a mess back there and would cause an added expense for us and nothing could be put on the township property and we would have to make an area for the builders to put their equipment. Atty. Lutz stated we should be able to figure that out. Albert Roenigk stated we need to figure out where the drain can go. It was wet back there for some time. Tammie Kelley stated that her brother took care of that and it is now dry. It was switched from wet land to not wet land. Drainage is all squared away particularly where I want to build. That area is very dry. Gary Risch stated there are drainage problems on Sunny Lane. Albert Roenigk stated it goes back that way. Ken Howard stated that about a third of Sunny Lane drains to that area, and we will provide ditching along the edges of this so that the water can make its way around the new cul de sac. This is what we are envisioning. I don't see why we couldn't have this to you within the next month or so. Gary Risch asked if we should let her proceed. Matt Sweeny said we can get the Stormwater Management and base in within the next couple months or so. Atty. Lutz stated if we give her the Building Permit, they will start to build. Tammie Kelley said she will not submit the Building Permit until the base is put in. Albert Roenigk asked what is the time limit? Tammie Kelley stated it depends on what Contractor we decide to use. Bachman's can't start for 6 months; most likely they will be the lowest bidder. Other Contractors are okay with starting later. We're flexible, we're fine where we are at. Gary Risch asked so you're not planning on starting tomorrow? Tammie Kelley stated the township doesn't have to be in a rush. Atty. Lutz stated to make a motion to approve the Kelley's request for an extension. Matt Sweeny asked that the Kelley's keep the Township aware of what is going and as they get the bids. Tammie Kelley agreed.

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On a motion of Gary Risch, seconded by Matt Sweeny to approve the 90-day extension letter submitted by the Kelley Family. Motion Carried. Un. Approval.

### **DISCUSSION REGARDING POLICE VEHICLE PURCHASE**

Ron Zampogna stated that we approved the purchase of New police vehicle a couple meetings ago. Chief Derringer stated that they were going to trade in the 2014 Explorer for \$4500.00 but since then decided to keep the 2014 Explorer because he has since pulled the 2011 Crown out of service because it needs a lot of work. We can sell it or whatever is decided. Chief Derringer would like to approve eliminating the trading in of the 2014 Explorer and keep it on the road as one of the Patrol Vehicles. Chief Derringer stated he would have the Road Dept. strip everything off the 2011 Crown. Matt Sweeny suggested possibly giving the Crown to Buffalo VFC. Matt Cypher will talk to his crew and decide if they are interested or not and make the Township aware of their decision. Atty. Lutz stated to remove the trade in and approve the upgrade to match all of the other ones. Eliminate trading in the 2014 Explorer and use it for every day.

Motion made to remove the trade in of the 2014 Explorer as previously discussed and absorb the additional costs for the New Explorer by Matt Sweeny, seconded by Albert Roenigk. Motion carried. Un. Approval.

### **NEW BUSINESS**

#### **DISCUSSION REGARDING THE NEW TRAIL GATES**

Ron Zampogna stated that we were awarded a Grant of \$10,000.00 from Butler County Parks & Recreation, thanks to Bankson Engineers. The Butler-Freeport Trail Council generously paid the match of \$2500.00. We have \$10,000.00 to put towards new trail gates. Chris Zeigler, President of the Butler-Freeport Trail Council stated that what they have in mind is a Collapsible Ballard in the middle which the lock is up out of the snow and has a 3-inch clearance that you can drive over; the sides are not a cattle gate, but a pipe gate, 1 piece coming out of the middle and an extension on either side and we would only have to dig 3 holes for each gate system instead of putting fillers in to keep ATV's from going around. The Swing Gate will have an extension that covers the ditch areas where the ATV's come through. The lock is up above the ground, same height as the Ballard is, lower than handle bar height. For the half marathon we just swing open the Pipe Gate and leave the center Ballard up. Chris discussed some safety issues regarding different gates. Chris stated she really likes this system and she will be using this at work. We need to keep the openings as wide as possible for mowers, Emergency Vehicles, excavators and large equipment to fit through. The gate is Sarver is a little shy of 11 feet, you can make them as wide as 15 feet. Depends on the length of the swing pipe. Each one will be custom made and I have three (3) welders that are volunteers that would make those for each location. We could do ten (10) trail heads with the money we received this year and we would probably be chipping in another \$2500.00 to that. There are 2 already paid for. If we have 12 done this year, we could go on a 2 or 3-year rotation to eventually have them all replaced in that time frame. That is something that we are willing to take the time and pay for. Chris stated she really likes this system it solves a lot of problems. Matt Sweeny asked if they come in various colors, we have only seen yellow. Chris stated that they can be powdered coated in what ever color we would like, they would just have to be wrapped in reflective

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tape for safety purposes. The center Ballard should be kept yellow with the added safety tape for it to be seen easily. The gates that are up now have the safety tape on them. Keep the safety aspect but make it blend nicely. John Zurisko asked about the widths of the gates, can we go up to 15 feet. Chris stated you can make them whatever size you would like. This system has a double pass through. This trail is so busy, and a lot of people stop at the gate. Chris stated do it once, do it right and be done. There are some that are very narrow and some that are very wide. So, each one is very unique. Albert Roenigk stated that I think 12 feet would be good. Matt Sweeny stated at least 12 feet, not 15 feet. Chris stated 12 feet is average. It's a good solution. Do it once, do it right. Ron Zampogna asked Ken Howard if he is familiar with this. Ken Howard stated they have all the details. They look like sturdy construction; your welders are good welders from past experience. Ken Howard stated that the County is asking the township to provide a quote with the details regarding what you are going to purchase and decision of what you will purchase. A breakdown of what you want to buy and where you are buying it. They will issue a purchase order for the items you are going to purchase. Atty. Lutz asked Chris Zeigler if there are other manufactures for this? Chris stated no, there is only one manufacturer for this design. I don't think this will be a problem. I spoke with someone from the Butler County Parks & Recreation Committee. Chris stated our County money is \$7500.00. Is that over? Atty. Lutz stated our total spending is \$10,000. Ken Howard stated that they are looking for 3 quotes with the items that you want to purchase and quote for what you want and something similar but maybe not aimable and tell them why you want the ones that you have selected. Atty. Lutz stated when you get 3 quotes turn them in to the Township, so they can be submitted. We should be the ones to turn them into the County. Ken stated action would be appropriate to select the style of gate and for Chris to get the quotes. Atty. Lutz stated that we should make a motion for Chris to get the quotes and getting the ten gates for the trail.

Motion made to obtain 3 quotes for 10 trail gates and Collapsible Ballard's. Motion made by John Zurisko, seconded by Albert Roenigk. Motion carried. Un. Approval.

**REMARKS FROM THE FLOOR**

Jim Jackson, Parker Road stated that his wife found a solution regarding the horses on the Butler-Freeport Community Trail. He showed the Supervisors a sheet of paper with pictures of Rubber Boots for the horses. Chris Zeigler commented. Matt Sweeny commented. Atty. Lutz commented.

Vicki Hoffman, Bear Creek Road asked about the Volunteer Tax Refund for Volunteer Firefighters. Atty. Lutz stated we are moving forward with this. The plan is that we would like to advertise these all at once and we have to advertise the adoption of this 30 days in advance and there will be a Public Hearing on June 13, 2018 at 7:15 pm. Ron Zampogna stated it has potential to be adopted at the July 11<sup>th</sup> Meeting. Atty. Lutz stated that Butler Township has adopted this. Matt Sweeney asked if this will be retroactive for 2018? Atty. Charlton stated that to be retroactive there has to be a line item in the actual Ordinance to be retroactive to the current year. Atty. Lutz stated he did not bring a draft tonight to see how we did it. Atty. Charlton stated another issue we ran into and had to redo was that since it is retroactive there are limits on when can apply for it but had to go back and amend that this year only they can apply late. Those are 2 issues that we ran into in South Buffalo. Atty. Lutz asked Atty. Charlton to get him a final copy of South Buffalo Townships Ordinance. Matt Cypher asked if he could have a copy of the Ordinance. Matt Sweeny asked Rhonda to get a copy of the Draft Ordinance to Matt Cypher, Chief of Buffalo Township VFC.

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**DISCUSSION REGARDING CHANGES TO THE ZONING ORDINANCES**

Mr. Richard Grossman stated I have prepared in conjunction with the Planning Commission over the past several months either totally new ordinances or amendments to several ordinances and have prepared a Summary of draft ordinance updates a 1-page summary which you should have before you. Some of the items first brought up were nuisance or property maintenance violation type issues. I spent some time in the township office looking at some of the nuisance ordinances. They were fairly archaic, and a couple were contradictory. The first 2 Ordinances deal with property maintenance nuisance type issues. The first deals with the Fire Insurance escrow. This requires a portion of insurance funds be escrowed to ensure building cleanup. If adopted, the Township must inform DCED to make the Ordinance effectual. This is a standard Ordinance, not a lot of customization in it. This is to make sure that the area is cleaned up after a fire before the home owners can receive the Insurance payment. A lot of families once moneys are received will take the money and run and not do anything with the property which then becomes a nuisance to the Township. Matt Sweeny stated this is to protect, just in case. If you chose to adopt this ordinance you must inform the DECD who then informs the state insurance commission. That is the enforcement mechanism. It's a very simple 3-4-page ordinance. Frankly, there is not a lot you would want to do to change it. If you feel there is a need for it do it, if not simply don't do it. I have found it helpful in terms of code enforcement in preventing that blighting influence on a neighborhood.

Second is a fairly comprehensive Nuisance and Property Maintenance Code which replaces the stand alone and archaic ordinances with an ordinance for preventing nuisances and establishing a minimum standard for maintenance of property. The Planning Commission worked over a couple meetings with that and with all ordinances trying to balance the fact that this is still a rural community and people do things with their property and have a right to do things with their property versus the need to protect the community at large in terms of health, safety and welfare. The Planning Commission worked hard at trying to balance those things. The first section of the ordinance is the most technical and deals with the procedures for unsafe structures and buildings. There is actually a structure building which is actually a hazard it establishes due process by which it could be condemned if it is threatening to fall on another property. That is pretty much crypt from the 1996 and 2012 National Property Maintenance Codes. The second was the ordinance that deals with high grass issues which is sometimes controversial this prevents high grass 12" or greater in business or residential zoning districts which makes exceptions for agricultural, rain gardens or butterfly gardens. There are exceptions for normal things people do. It includes standard for burning of wood, wood products, cardboard and establishes setbacks for burning. The DEP regulates the burning of tires, but it's been my experience when I've been in Mr. Kelly's shoes it is very hard to get them to come for Meadville or Pittsburgh to actually look at something. It's not a bad idea to have that in the ordinance. Animals were a discussion in both property maintenance and nuisance zoning. The current 2014 addition zoning ordinance makes agriculture a Conditional Use with a minimum number of acres in the R-1 District. More and more people are choosing to keep backyard poultry or backyard livestock. After some discussion with the Planning Commission it was recommended the zoning ordinance be changed to allow agriculture in all residential districts and rather than dealing with horse keeping or chicken keeping from a zoning standpoint where someone has to get a permit. What they would rather do is simply establish standards to prevent animals from straying onto other people's properties and prevent accumulations of waste from pets. If people aren't keeping

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their chickens in a sanitary manner and neighbors are complaining then deal with that as a property maintenance issue, this will allow chicken keeping as an accessory in any residential district until people do it the way that bothers their neighbor. Then the response will be property maintenance and after some discussion, that was PC recommendation. Results in both a zoning change and dealing with people that don't properly do that. I've also added some anti hoarding verbiage in there dealing with too many animals on one residential property. Rick explained about one property in Butler County where there were 77 cats removed from one property. It is extremely difficult to manage that many animals on one piece of property. Matt Sweeny asked now regarding chickens, there is specific language on containment. Rick answered yes. Matt asked is there any specific language on the number of in accordance to land size or anything. Rick answered no. It is up to the property owner to maintain the animals in a way that doesn't cause a nuisance. Matt stated then if it does. Rick said it will fall under Nuisance or Property Maintenance. Gary Risch stated then chickens are only allowed in Agricultural areas? Rick answered no sir. Chickens are allowed in all residential areas. Gary Risch stated anything that is allowed in Agriculture is now allowed in R-1 and R-2. Rick stated yes, chicken and horse keeping is a permitted use in R-1 and R-2. Gary Risch stated he does not agree with this. He feels that chickens should be kept in Agricultural, they should be kept penned and not permitted in R-1 and R-2. Atty. Charlton stated to give you an idea of what was discussed during the Planning Commission workshops. We have Residential districts in Buffalo Township that have at least 15 - 20 acres of land to them that are zoned residential district if you look our Zoning Map. So, Buffalo Township didn't lend it self in saying no in residential and yes in agricultural because it is really a blurred line in Buffalo Township, so we put it in the nuisance ordinance for a greater flexibility on enforcement. If you have 1 chicken that is out scratching your neighbors mulch, it's a nuisance, so you can enforce it that way because what you are doing, the Planning Commission felt that saying no in Residential is taking a large chunk of properties out that could easily have Agricultural uses and not be a problem to anybody. Not in this township I have a 4-acre chunk in a residential area that is surrounded by 135 acres of woods and if I was a transplant if Buffalo township I would not be able to have chickens on that. So, it's that type of discrepancy that is incurable in any other way. Rick suggested that it be moved over to the Nuisance Ordinance. Gary Risch stated that didn't you say that it's almost impossible to do anything. Atty. Lutz stated in my experience Nuisance Ordinances are tough to enforce. Amy Trulik stated then why have them. Gary Risch stated then that's not where it should be then. Amy Trulik stated again then why do we have them if they can't be enforced. Atty. Lutz stated I didn't say they couldn't be enforced, I said that they are difficult to enforce. You need to have neighbors come in as witness and often they are reluctant to do so, you have one decibel readings of dogs barking, chicken crowing, you can get into a lot of different things with nuisances they are tough. Zoning you have chickens or you don't. has anyone given any thought of doing Condition Use in certain zones? Gary Risch stated that's what I'm saying we should call it a Conditional Use in R-1 and R-2. Atty. Lutz stated but impose restrictions on conditions that need to be imposed. If you have it all over everything then what about the neighbor who is upset because he lives by a farmer and his chickens are roaming all over and he has 50 acres? Atty. Charlton stated you may want to revisit the Zoning Map. I mean if you are going to go through that you may want to reclassify some of them. We have housing developments now that are surrounded by Agricultural, that are now PRD and Residential. If you are going to go the whole route, that might not be to where you'll have these larger chunks that aren't going to be prohibited or must come in for a \$800.00 Conditional Use to put a horse on a 50-acre parcel of land. You might want to reclassify some

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of the larger parcels from R-1 and R-2 to Agricultural. Rick Grossman stated what he could do because you have minimum lot sizes in the Zoning Ordinance, I could make Agricultural permitted after X number of acres. Albert Roenigk stated like 2 acres. Rick stated or possibly 5 acres, whatever you would decide and make it a Conditional Use after that or just allow a certain number of chickens as accessory to a home under Zoning. Atty. Charlton asked if you can tie it to density? Rick stated yes. I can do that I have done that in other communities, it will complicate the Ordinance, but I can do that. Gary Risch stated at the State Convention a few weeks ago and one of the things that came up was this chicken thing is a fad and they are letting the chickens go or taking them to the humane society. Rick stated its more than a fad, it's a trend. Gary agreed. Rick stated he sees that in communities that he is assistant Zoning Officer. I feel that Joes point needs to be taken into consideration. You still have large tracks in R-1 where Agriculture can be practiced without any issues. Gary asked so how should we handle this? Should we have Agricultural as a Permitted Use or Conditional Use or should we limit the property size? Albert Roenigk stated a Conditional Use is an \$800.00 fee. Gary Risch asked should we limit the property size? Rick suggested property size by Permitted Use, smaller property more density by Conditional Use would be the way to do it. If that is what you want to do? GR state we all have to make a decision. Matt stated that whatever we do I just want it to be very clear, without any question at all, everything is fair, its all in black and white and we can follow it and enforce it as needed. Gary Risch stated I don't feel this will work as a Nuisance, that's all. Rick stated that Meadville has had a lot of success with this. They allow live stock in the city as long as they don't create a nuisance. They have had good luck with this, the language and enforcing this. Atty. Charlton stated even if you get a Conditional Use, you will still have to enforce the Nuisance Ordinance. If they get out and go onto your neighbor's property you're right back to the Nuisance Ordinance anyway. Atty. Lutz stated we could site for a Zoning Ordinance Violation if they violate the terms of the Conditional Use. Rick stated you could stack the Ordinance Violations if it was very outrageous. That's what we do with hoarding cases. John Zurisko asked Rick, the way it states we could have horses or Llamas in a residential neighborhood as long as they are not a nuisance? Rick answered that is correct. Gary Risch stated anything that is allowed in Agricultural is allowed in R-1 and R-2. Brant Dempster, Buffalo Township resident. I once owned 30 chickens in Winfield Township and didn't have a problem. Chickens were once very popular. Horses are very popular. Self-sufficient, self-sustaining, organic. If you leave this as a Nuisance Ordinance, I feel that is the right way to go. You have an animal control officer. Where do you put a sensible number on chickens, cats or any other animal? Some people want a beautiful township, and some are quite happy with a rural township, where do you draw the line? Matt Sweeny stated that is a slippery slope, we have to find a happy medium somewhere. Either way someone is not going to be happy with the decision. I'm not on one side or the other. Gary Risch stated that we have been dealing with this chicken issue for over a year. Roger Kelly stated that we can't forget about the neighbors. I have been looking for a rooster on Primrose Drive for over a month. If you have too many chickens, then you come to an issue with the manure and the smell. Roosters can also be dangerous. We should really keep the neighbors in mind when making these decisions. I am aware of this because I get the calls. Atty. Lutz asked Roger, as the Zoning Officer if he has an opinion one way or another, Nuisance, Zoning or both. Roger Kelly said he is not happy with Agricultural in R-1 and R-2. If you want chickens buy property in an Agricultural area. I think, right now in Agricultural, if you want horses it states you must have at least 4 acres. Some people are going to be sitting in the Ryan Homes plan on a horse. Atty. Charlton stated that is my suggestion of revisiting the map. If you have that 1-and-a-half-acre

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chunk in the middle of a farm that you deeded to your kid. You may want to reclassify those. When you get development, it starts to get unwieldy. The colors on the map really don't match what is happening. Matt Sweeny stated that we have to keep in mind the safety aspect the sights, sounds, smells aspect for the neighbors. I don't have any problem with chickens. I like chickens and eggs just need to do this sensibly and do what's best for everybody. Gary Risch stated I think we should do it as a Conditional Use, if it costs \$800.00 then they will have to pay to have these animals. Unless you are in the Agricultural District. Christina Myers, Garden Way, Freeport, PA stated you know what I am arguing here for. But essentially, I believe that local government with all other wells of government should air of the side of personal freedoms over regulation. I believe that keeping chickens and other agricultural animals on a small scale is not a fad. People do not trust the food sources, they want to maintain their own food. Buying organic in the store, you still don't know what you are purchasing and paying ridiculous prices. With all due respect, people who are purchasing a \$250,000 home, should really know what area they are moving into. The people I have spoken to has said this area should remain rural. No one wants to see another Cranberry. I have a group of people who support the ordinance the way it is was written. Gary Risch stated we are not trying to ban chickens, just where they can be located. Christina stated yes, but it is very easy to maintain a homestead on an acre of property. There is a website called Half Acre Homestead. You should be able to sustain yourself on your own homestead. This is the way things are going now. Everyone should be able to source food on their own. Albert Roenigk asked if they were allowed in residential any of these new plans have HOA's that would they be able to overrule the chickens? Rick stated that the HOA's dictate what the residents can and cannot do. What about an older plan, can they form an HOA? Atty. Lutz stated it is very unlikely. Matt Sweeny stated we don't want to lose the rural charm of Buffalo Township. We don't want another Cranberry. Atty. Charlton stated that you will never change this. PRD's are all surrounded by Agriculture and at some point, those residents will be coming in complaining about the smell of manure. Matt Sweeny stated that would be just like living next to Lernerville, you should be prepared for the noise if you move in that area. Rick stated that is why Ag. Security is so important. It is protection for existing farms. Gary Risch motioned that he feels we should take the Agriculture and put it in a Conditional Use. Ron Zampogna stated that he feels we should think about this a little more. We don't have to act on this by any means. Gary Risch stated we need to get this done. Atty. Lutz stated we need to get these things done, it has been on the Planning Commissions lap and they have done an admiral job, just as Rick has. The only rush on our end was we were trying to get things done to advertise at the same time to save some money. Atty. Lutz stated we don't have to do it immediately, its just we are trying to do it conjunctionally, we were just trying to Flood Plain, Tax Ordinance and everything. Matt Sweeny asked if we should have our ducks in a row by the June meeting? Atty. Lutz stated yes, because we must have the Flood Plain Ord as well in July. Ron Zampogna stated I don't believe we should rush into a vote. Not after this discussion. Albert Roenigk stated I look for the idea of 2 acres, or 3 acres or whatever for chickens. Gary Risch stated that's true. Amy Trulik, PC Board Member, Doyle Road asked instead of Conditional Use, is there a process with permitting which would be less financially cumbersome. Matt Sweeny stated we could look into that. Amy stated that she has an acre and a half, there is woods around me, there are fields behind me. I could easily have 30 chickens, and no one would even know. I have honey bees and they don't bother anybody. I agree with what she is saying. So, when you start putting limits on the acreage, you could have  $\frac{3}{4}$  of an acre surrounding by nothing in this township. So, how is that fair. But if there is a permitting process and you would have to spend \$100.00 and get a



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copy of the Nuisance Ordinance and then you are put on notice. Gary Risch asked if we could do that here? Matt Sweeny stated that is a very good idea. It would be affordable and would keep track of who has it and they would know they have been put under the microscope so to speak. Several board member stated that is a good idea. Brandt Dempster, Buffalo Township stated you need a license to have a dog. I can show you families in Freeport that have chicken and ducks in their back yard. Gary Risch asked how many? Brandt stated they have at least a half dozen of chickens at one time plus ducks. The property is approximately 50 feet by 80 feet. You're talking in the middle of a residential neighborhood. Gary Risch asked Mr. Dempster to come up with some kind of permitting thing and it back to us. Christine Myers, Garden Way, Freeport stated that in Pittsburgh a 1-acre lot would be permitted 22 chickens. It goes by square feet to determine how many chickens you are permitted to have. You would be more regulated here than in the City of Pittsburgh. I think that's what you were trying to get at. Atty. Charlton stated yes, Pittsburgh starts at a quarter acre. Sue Gregory, PC Board Member, Ralston Road, stated that she is a transplant from Allegheny Township and I lived in a residential plan, I had 4/10<sup>ths</sup> of an acre and people in my very close knit Maronda Plan were arguing about chickens. And they passed something, they allowed 5 chickens, no roosters and they had to be fenced. My neighbor who was realtor 2 doors up had 5 chickens in there back yard. Gary Risch stated the Maronda plan up here permits 5 chickens. Matt Sweeny stated that is because of their HOA allowing that. Sue state that they did not have an HOA. Gary Risch stated that they did. Sue stated she didn't even know they were there. MS stated this is all good information. Rick Grossman stated that he has a Permitted Ordinance that he has done for other communities. I think in your case I would probably make it an Accessory Use under Zoning and maybe not get into the numbers. Start with a permit system. Give them the section of the Nuisance Ordinance and Zoning Ordinance on the permit so they are signing and understanding that they are responsible to keep the animals on their property. That way you are not getting into counting chickens which is a real pain. Gary Risch stated that's a good idea. Matt Sweeny stated that if anytime a neighbor would call to complain, we have the file and could say that you signed this so, lets come to an amicable agreement or there is going to be consequences.

Rick stated next is Junk Vehicles. There has been a lot of problematic sections on junk vehicle ordinances in townships. So, what I tried to do was define an actual nuisance junk vehicle, which is something that is genuinely dangerous. Vehicles with broken glass, a vehicle that could tip over versus simply an inoperable vehicle. Everyone is permitted to have one of these on their property. Something that might need inspected or a vehicle that someone is working on. If you have 2 or more that may be leaking fluid or ready to fall over. They have to be completely screened or 200 feet away from any lot line. Junk Vehicles differentiates between nuisance junk vehicles (dangerous) and unregistered/inoperative vehicles. Allow storage of such when either screened or at least 200 feet from lots lines. There are 3 options for screening, a building opaque fences, chain link fences with vegetation. There is a new product that is a heavy tarp that they are using for screening fences. These are good for people who have project vehicles. This is more affordable than the vinyl or wooden panel fences.

Gary Risch stated that he knows of a family that recently moved but the property has a swimming pool that has caved in. Is that considered a nuisance or a hazard? Rick stated that there is a section in here for that. Without the pool pump running they can just reek. Neighbors start to complain, and the water gets a surprising odor. There is a section on maintenance of pools in here as well as a clear path

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on porches. Gary Risch stated what about people's homes. Moss growing on them, roofs not done? Rick stated it would be considered a hazard, eminent danger of falling. Ugly is not a hazard. Rick stated a couple other things this ordinance does is, it is legal in Pennsylvania to keep non-domestic animals as long as you get a permit from the Game Commission. They will not issue a permit in a zoned community unless they get a letter from the Zoning Officer. So, the Nuisance Ordinance prohibits the keeping of bears, coyotes, tigers, leopards, jaguars all those things. I'm cool with chickens, I have some, I live on a farm. I don't feel that anyone needs to keep a grizzly bear, a wolf or a lion. Brandt Dempster, Sarver Road stated as a former Insurance Agent as you are saying any nontraditional animal is not approved by insurance.

Rick brought up the Stormwater Ordinance. I discussed a slight amendment to the Stormwater Ordinance that fencing wouldn't be required for rain gardens and I wrote a definition of rain garden and I wrote a section that eliminates rain gardens from the fencing for Stormwater basins. I did not put that into your existing Stormwater ordinance full amendment because I knew that Ken was working on the PRP plan and the whole Stormwater plan. I will provide that language to Ken and he can insert it.

Rick stated refining the definition of "personal services". I made it a little tighter. There has been an issue with illicit, not therapeutic massage parlors cropping up. Some are harboring illegal activities. Non-therapeutic massage, if they don't have license from PA or Certification for Reflexology or something like that, it will be treated as adult entertainment. You must highly regulate it.

Rick stated refining the definition of "Neighborhood Businesses. To prevent outdoor sales, and sale of controlled substances and restriction on outdoor amplified entertainment. You had it as a small-scale business which was allowed in the conservation district which are the green areas. So, if someone wanted to have a snack shop along the trail that would be fine. Ray Smetana brought up about Medical Marijuana. With Kraft breweries, it brings up the issue with outdoor amplified entertainment.

We already discussed the keeping of dangerous animals such as Cheetahs, tigers, bears as pets. It is possible to keep a dangerous animal. Outdoor Intensive Commercial Recreation by conditional Use. If you want to have a zoo in Buffalo Township, just apply for it under Conditional Use.

A substantial change was updating the Communication Antennas Tower section to deal with 4G/DAS going into 5G. It will be possible under this Ordinance to mount small distributed antennas on buildings and utility poles. The problem now isn't just cell phone service, towers don't work well when there is a lot of data density in one area. Solution is for small antennas between tower sites. This allows that and put limits on antenna size on the side of a building. They can't mount a tower on a building, but an antenna and it must be set back from the edge of the building by their height or somehow disguised. GR asked when they put cell towers in the township, can the township get money off that. Matt said not if it is put on private property. If it is on a township Right of Way, you should be able to. Atty. Lutz commented regarding Penn Township.

The Ordinance was amended to allow setback averaging for businesses in the A-2 Overlay which has a big setback that if there is already 2 building close they can average the setback. Which was the final setback the Planning Commission recommended from the 2014 Amendment.

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I completely changed the Gas and Oil Section, just to modernize it. I worked closely with a drilling company and another township. We went back and forth. This provides some protection for the township. Atty. Lutz asked do we want to make a distinction between conventional and unconventional drilling in any way? Rick answered that this covers it well. Are there many shallow wells in this area. Albert Roenigk stated we have some not many. Not recently. Atty. Charlton stated I see what your point is. Atty. Lutz asked if what if somebody wants to put a gas well on their property for their own purposes? Atty. Charlton stated use the Old Ordinance for the Conventional and the New Ordinance for the Unconventional. Atty. Lutz agreed. Atty. Charlton stated that you are getting significantly more protection with the New Ordinance as you did with the Old. Rick did an excellent job of not coming close to that line of getting challenged. Matt Sweeny stated who knows what's going to happen 10 years from now. Rick stated that its here for the long term and my hope that a large land owner can benefit but do it in a way that it does not impact small land owners.

Finally, there was a zoning district founded in 2006 that never got used. It's the RA Rural Residential District as an option for any property zoned agriculture in the A-2 Overlay. The intent was an option for somebody that wanted more residential than agricultural. This is like a floating zone. So, the solution was to tack it on to the overlay. So, if the property is zoned agricultural in the overall the RA Rural Residential is now an option for them. To preserve rural character the RA would work better than R-1.

Those are 4 of the ordinances that have been worked on and given to Rhonda, copies of all those and MS4. I will draft something for your review including chickens and insert it into the Zoning Draft and get that down to you guys. I would assume, Larry you would want to do something on the wells or do you want me to take look at it. Atty. Lutz stated you can take a crack at it and I will review it. Then I will get all the changes to the Board of Supervisors. The Supervisors thanked Rick for all the work he has done.

Ken Howard stated yes, and Dave is here to help with addressing some of the issues that we have been discussing in the last year or so. Tonight, we have a summary sheet that our office has prepared and Stormwater Management Ordinance that we have given you tonight is drafted with todays date. We have added 5 things to that draft. Now the draft that you received is are the things we added along with the pollutant reduction plan. We know that the Pollutant Reduction Plan is coming down the road for this township. We will have the Pollutant reduction plan ready later this year and your MS4 permit requires that you adopt that plan. We will have to make sure the developers who are developing and disturbing the land are following the Pollutant Reduction Plan, this is considered a regulated activity and they would have to meet the DEP requirements for sediment and pollutant reductions. Those 5 areas are in your draft tonight. If you want to review those it's on page 1, where we added Pollutant Reduction as a regulated required activity that needs to be addressed; on page 3, section 109, the same thing is required to add the Pollutant Reduction Plan, page 8, under definitions, the same thing is required to add the Pollutant Reduction Plan, page 12; under Acronyms, add Pollutant Control Management (PCM) and Pollutant Reduction Plan (PRP), page 13 in section 301.5, add Pollution Reduction Plan as a requirement in all regulated activities. That way the township is not spending the money to do the reductions on the new developments. I think Dave as a few things on the list that he would like to address as well so I will let him pick it up at this point.

Dave Ivanek stated as Ken has mentioned the highlighted portions in your section mainly deal with the PRP Plan. There were a few other minor things and as we were going over here saying hey if we are

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going to do these then we may want to make sure the Subdivision Land Development Ordinance could also denote that Pollutant Reduction Plan requirement under the Stormwater section, so we want to add a cross reference there. As Rick had mentioned the Rain Gardens throughout the Workshops with the Planning Commission. I believe the solution to the Rain Gardens is a statement under section 16 in the Stormwater Management Ordinance, where they are talking about all basins need to be fenced. I have a 16-A statement that is not reflected in there, but we are planning on implementing. Rain Gardens having a maximum water surface depth of less than 2 feet shall be exempt from fencing requirements. In that 2 feet that is something we discussed at the PC Workshops, I believe that's a good depth because your old Stormwater Ordinance that was in effect for many, many years had fencing requirements at 2 feet or above in depth. In all practicality, then we can also define Rain Gardens. There isn't anything that is truly a Rain Garden that's going to have over 2 feet in depth. That's the key, eliminating the depth not just saying a Rain Garden. If you can get a developer that would have something that is 2, 4, 6, 8 feet deep and call it a Rain Garden just to avoid the fencing issue. So, I think the 2-foot depth is critical. Matt Sweeney asked instead of the retention pond that it is? Dave answered yes. That is something we are going to add in. We are also taking Appendix E which is in there and revising that. Appendix E is the small project SWM application. When this ordinance and the prior one was adopted that particular Appendix was set up for small home owners and small developers doing a commercial development or anything under 5,000 square feet. It was intended to be set up, so they did not have to hire an Engineer that they could easily follow these charts and design a rock sump for the roof area or that parking or driveway area. But for some reason it has been a constant source of confusion since it was adopted in 2007. That was the first ordinance it was adopted in. So, we are cleaning these up and just making the process a lot more user friendly. It will still comply with DEP and we are still going to give basically the same procedure. One thing getting back to the zoning ordinance, we never really talked about in our Workshops that I think is very important is in the A-2 Access Overlay. We have wording in there that requires a developer who is turning a residential property into a business and then you have adjacent businesses or possible future adjacent businesses to reserve a Right of Way for a cross access corridor. I don't believe there is anything in that stating that they have to construct a driveway or construct this cross-access corridor in that was the intent of it, I believe. That should be added in to the zoning revisions. Rick answered, I agree with you on the need for that. What I kind of think about that is that it would fit better in the Subdivision Ordinance because it is a construction standard. Dave stated we would be fine with that. But from our experience, there have been many developments taking residential properties and making them into a business. Were doing the review and we are insisting they build this cross-access corridor. There is definitely not strong enough language in that ordinance to require that they actually construct it. Atty. Lutz stated should we put it in both? Rick stated, we may want to reference it in both. Dave stated we are updating the zoning map. There have been several properties that have been rezoned since 2014, several large Subdivisions that have gone in so, that map should be updated and adopted along with the new ordinances. Atty. Lutz stated before you move ahead Dave, should we address some of these parcels Joe was talking about and see if we want to rezone anything while we are doing that? Gary Risch stated, I remember at one time they had a Public Hearing that anybody who wanted to have their property rezoned could have it done. Should we do something like that? Atty. Charlton stated, I think you would have to give them some type of notice? I remember 30 years ago, my father's property was zoned Agricultural and Commercial, so we just changed it all to Commercial. Now, is that something we should look into doing again or not?

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Matt Sweeny asked if we should just look at the maps and make those determinations? Gary Risch asked can we make that determination for somebody else's property? Rick stated if you are just changing one persons property you would have to notify them. Atty. Lutz stated everyone would have to be notified. Albert Roenigk stated at one time, this was before all you were here they decided to change an area along the highways that was residential to agricultural, but the residents came in and said they didn't want it changed. So, it wasn't changed. Rick said I guess if you are doing a wide swap, like when you created the overlay, then that is comprehensive. It affected a third of the township but if you just want to change one or two parcels then just to be fair even beyond what the code says. Atty. Lutz stated that could be done after. Atty. Charlton stated it could be a two phase.

Dave stated on to the Subdivision and Land Development. I wanted to discuss adding a cross reference to the Stormwater PRP plan in there and again I thought if we are going to revise it. Over the years I have redlined some areas, such as typos, misspellings or mislabeled references. I feel we need to correct those. Item "D", Article 402 Monuments and Markers needs to be stronger language requirement for all Subdivision Plans. Item "E", is the Stormwater PRP, under the Article 406 Storm Drainage in the Subdivision and Land Development Ordinance, we also reference that. The only other item, under Construction Standards, Penn Dot Type M Inlet we are revising to eliminate the concrete top and change it to a cast iron top instead of concrete. These are my summary of things we need to implement into these Ordinances and get them all adopted at the same time. Ken Howard stated as well as the Flood Plain Ordinance which I gave you last week. That has been approved by FEMA and is ready to go.

Rick Grossman stated one item that I overlooked was the Tent Sales and Roadside Stands. Clean up of those. That has been a problem in the township. We'll get that typed up and particularly this year since firework sales are going to increase.

Ken Howard asked about our realistic schedule regarding all of the changes? Will this be done for our next regular meeting? Not just the Firefighter/EMS Tax Rebate but also for the Floodplain Ordinance which has to be in by August 2<sup>nd</sup>. I would think we would want to run the add and advertise these things for the Public Hearing. Atty. Lutz stated that I don't think we are ready for the Zoning. We would like to just send in one big add. The Tax Ordinance Public Hearing will be June 13, 2018. It will be 30 days prior to adoption. The Adoption will be in July. I will get everything ready and turn it in to Rhonda in a timely manner. We can coordinate those 2 and then we can take care of the SALDO at a later date. Rick stated that we could have everything ready except for Zoning and SALDO are both NPC and require different types of advertising. You could have your Public Hearing for Floodplain, Stormwater, Fire Insurance Escrow and Nuisance and Property Maintenance in July. Ron Zampogna asked Atty. Lutz to summarize that with Rhonda in an email. Atty. Lutz stated yes.

Ron Zampogna asked if there are any other Ordinance questions or comments. The Buffalo Township Board of Supervisors expressed their thanks and appreciation to Mr. Richard Grossman and everyone involved.

**BUFFALO TOWNSHIP SUPERVISORS – REGULAR MONTHLY MEETING – MAY 23, 2018, CONT'D**

**REMARKS FROM THE FLOOR CONT'D**

Dan Coyle, Sunset Drive asked if there are any Ordinances or codes regarding underground utilities in this township, specifically electrical. He stated that his neighbor has underground electric and it is partly on his property. Roger Kelly stated none that I am aware of. Rick stated if it is a private service going to your neighbor's house then it must be on his property. Atty. Lutz stated that this would be a legal issue. Atty. Charlton agreed. Matt Sweeny commented.

**ADJOURNMENT** was on a motion of Gary Risch, seconded by John Zurisko at 9:15 pm. Motion carried.  
Un. Approval.

**APPROVED:**

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**CHAIRMAN**

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**SECRETARY**