

BUFFALO TOWNSHIP PLANNING COMMISSION – REGULAR MONTHLY MEETING – MARCH 6, 2019

The Regular Monthly Meeting of the Buffalo Township Planning Commission was held Wednesday, March 6, 2019 in the Buffalo Township Municipal Building and convened at 7:30 pm. The Meeting was called to order by the Chairman, Grant McConnell. This Meeting is being recorded. If anyone is taping this Meeting, please state your name and address.

Roll Call

- Grant McConnell - Present
- Chris Foust – Absent due to illness
- Sue Gregory – Present
- Amy Trulik - Present
- Tim Gottus - Present
- Joe Charlton - Present
- Ken Howard - Present
- Rick Healey – Present

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

APPROVAL OF THE MINUTES of the February 6, 2019 Regular Monthly Meeting of the Buffalo Township Planning Commission, as recorded, was on motion of Sue Gregory, seconded by Amy Trulik. Motion Carried. Un. Approval.

LAND DEVELOPMENT

PROPOSED AMENDMENT #1 TO ZONING ORDINANCE #135

J. Garvin is proposing to rezone his property located at 339 N. Pike Road. The property is a total of 2.744± acres and is currently zoned “A-1”, he is proposing to change it to “B-2”. The present use of the property is vacant land and J. Garvin is proposing that it be used for retail.

The Township office has received the Petition for Amendment to Zoning Change, Filing Fee, Legal Description of Property, Map, show location of Property, List of Property Owners within 300’ of property, Butler County Planning Commission comments: Letter dated 2/21/19. BCPC had no comments on the proposed zoning petition. Municipal Authority of Buffalo Township comments: Letter dated 2/14/19. Public water & sewage is unavailable at the vacant property at 339 N. Pike Road. Bankson Engineer comments: Letter dated 3/2/19. The subject property for the proposed retail use is located within the A-1 Agricultural District and the A-2 Access management Overlay District. The applicant desires to have the subject property rezoned to B-2 Central Business District to accommodate a retail use. Retail Sales is a Permitted Use in the B-2 Central Business District. The B-2 Central Business District abuts the rear side of the subject property; the proposed zoning change

BUFFALO TOWNSHIP PLANNING COMMISSION – REGULAR MONTHLY MEETING – MARCH 6, 2019

would not be considered spot zoning. If the zoning change is granted, the applicant shall comply with all applicable requirements of the Zoning Ordinance for B-2 Central Business District and the A-2 Access Management Overlay District.

John Garvin, property owner was in attendance. Ken Howard with Bankson Engineers commented on the proposed Zoning Change. In summary, his property already touches the parcel that is already Zoned B-2 so it wouldn't be considered spot zoning. We don't see an issue with the change of zoning here. The frontage is on route 356 and falls in the A-2 Access Management Zone which is basically promoting business. What he is trying to do is in concurrence with your Ordinances and with that regard we believe it is very similar to what was done a year ago down the road. Grant McConnell asked a question regarding spot zoning. I was reading the letter from Butler County Planning Commission and they noted that this could be considered spot zoning. Is that standard word play that they always send out? Atty. Charlton stated no, it is not. I don't know if they saw the zoning district in the back, but spot zoning is kind of an overall analysis, so you don't have an island of different zoning issues. You don't have a commercial district within a complete residential district that actually abuts. But that is not the be in all end all. The contributing factor to that is whether it complies with the Comprehensive Plan and it being in the Access Management Overlay and being in a district that is promoting business within that corridor, it is in line with your comprehensive plan. Where you run into problems is if you take a residential home and make it commercial. Grant asked Atty. Charlton what the motion is that we would be making here? Atty. Charlton stated this is a motion to move this item onto the Supervisors with a note that it complies with the Zoning Ordinance and all requirements and that you would move to have the Supervisors conduct the appropriate Public Hearing.

On a motion of Tim Gottus, seconded by Sue Gregory to make a favorable recommendation to the Supervisors that all requirements have been met and the Supervisors conduct the appropriate Public Hearing. Motion Carried. Un. Approval.

DISCUSSION REGARDING THE PROPOSED SOLAR/WIND & ALTERNATIVE ENERGY SYSTEMS FEE SCHEDULE ORDINANCE

Grant McConnell stated that we have taken the last month to review this and have given comments to Atty. Charlton to submit to Atty. Lutz' office. Atty. Charlton stated that at the last meeting I had some comments on it and addition to my comments with regard to tying it into the Public Nuisance Ordinance or what is called the Property Maintenance Ordinance. I passed along an email to Brian Farrington and Larry Lutz indicating that we recommended a fee in the amount of \$75.00 and accessing the Engineering costs and someone was going to put those in from the township to the proposed builder of these systems. After that I did get comments from Sue and Tim and passed them along to Brian Farrington who is discussing that with the Supervisors. My recommendation here is, there is no more comments coming in that you would make the motion to pass this on to the Supervisors with a recommendation of approval. Recognizing the comments that we are sending along. There are 2 different things we can do here. We can come outright and say

BUFFALO TOWNSHIP PLANNING COMMISSION – REGULAR MONTHLY MEETING – MARCH 6, 2019

we don't agree with this provision we think it should be changed but those weren't really the comments that I was getting. They were more like, you might want to consider this. You are allowed to do this from this commission on but overall, generally speaking we approve the Ordinance and would recommend it for approval however, it is up to the Supervisors whether they want to do x, y or z. The Supervisors will be making the final decision. I think it is a good structure and the next thing you would be considering is what you would be tying it to in the Property Maintenance Ordinance. Sue Gregory asked if we would have to rewrite this? Atty. Charlton stated that Atty. Lutz' office would do that.

On a motion of Amy Trulik, seconded by Tim Gottus to pass this along to the Supervisors to take into consideration the comments that have been emailed to them. Motion Carried. Un. Approval.

DISCUSSION REGARDING THE PROPOSED PROPERTY MAINTENANCE ORDINANCE

Atty. Charlton stated that this property maintenance ordinance was reviewed back and fourth along with the amendments to the Zoning Ordinance. I thought it went up with our approval, but it was kind of tied with the chicken issue. So, this was more tied toward the chicken issue and it kind of got that focus but that issue was dealt with differently in the Zoning Ordinance. However, that is not the only thing this Property Maintenance Ordinance deals with. Atty. Charlton went on to explain the different issues that this Ordinance deals with. I did discuss this with Rick Healey the Township Zoning Officer because it tasks him with enforcement of this. Which would include getting placards made and identification cards. One of the features we did discuss during the zoning review was everything pretty much written out for farming and Agriculture. You can't by state law regulate farming because of the ancillary statutes that already control that. You will see a grass cutting section in there to keep grass at a certain height except in farming areas. Grant McConnel asked if we should make a motion on this or should we review it and come back to it in a month? Tim Gottus stated that we did approve it at some point in which Grant agreed. Amy Trulik asked if it is just a matter of formally approving it? Atty. Charlton stated, if you could get any comments to me before the next Supervisor's meeting via email, we could approve this with any comments and then I could pass it on to the Supervisor's. I think Larry sent this down as a courtesy to start that process over again because it has been a while, just to say we like the blessing again and to pass it on.

On a motion of Tim Gottus, seconded by Amy Trulik to pass this on to the Supervisor's with the understanding that we have some comments to make between now and next Wednesday and that they would be considered. Motion Carried. Un. Approval.

BUFFALO TOWNSHIP PLANNING COMMISSION – REGULAR MONTHLY MEETING – MARCH 6, 2019

**PRESENTATION OF PRELIMINARY MAP & OPEN DISCUSSION REGARDING THE MS4 NPDES PERMIT
POLLUTANT REDUCTION PLAN GIVEN BY BANKSON ENGINEERS**

Ken Howard stated that he had handed out a pamphlet with information regarding the MS4 NPDES Permit. This is a conceptual Pollutant Reduction Plan (PRP) and the Minimum Control Measures (MCMs) for the Townships MS4 Permit. What we have tried to do is come up with a drawing that shows the conceptual pollutant reduction plan areas that would be affected. The drawing you have is the same as this larger drawing on this stand. What we have shown are six different blow-up or excerpts of that map that we have identified areas we would consider as potential sites where we could do pollutant reduction measures in the watersheds to meet with the requirements of the DEP. This conceptual drawing, we have here was presented to the Supervisors at their last meeting. A 10% sediment reduction is required in 14 watershed planning areas. The different shades on the map show the different planning areas. The different shades of color show the different watershed areas. We have also provided to you a summary table showing the PRP areas which identify the type of improvement or Best Management Practice (BMP) recommended and the applicable landowner data. So, if you look at this 11x17 sheet, we have numbered the 14 Planning Areas, we have identified the Total Acreage in each of those watershed areas. Ken went on and explained the rest of the sheet and stated that within the next 5-year cycle of our MS4 Permit the Township needs to come up with a way to reduce the sediment in these watersheds. The bottom chart on this page we have identified the owners with the PRP's and explained the chart. If there is an existing basin, we are starting with them, reaching out to the homeowners/HOA's to see if they will work with us on reducing the sedimentation in these areas. We are looking at retrofitting the ponds, stream bank restoration and putting in a stormwater basin where needed. We have received approval to move forward from the Supervisors to contact the landowners regarding approval to construct BMP's. Upon a positive response from the landowners, we will finalize the PRP and calculations/report. Upon finalization of PRP, a public meeting shall be advertised and held to present the PRP to the public. Then a 30-day public comment period is required with comments being taken into consideration prior to final adoption by the Township. We are asking to hold the Public Meeting on May 1, 2019 prior to the Planning Commission Meeting and would recommend final adoption in July or August. It would be the same procedure as if you are adopting an Ordinance. Atty. Charlton asked if the 30-day comment period runs after the Meeting on May 1st. Ken answered yes. Our hope is to have the Supervisors adopt this in July or August. Other requirements of the MS4 Permit are there are 6 Minimum Control Measures (MCMs) on the second page of your handout that the Township has to comply with because we are an MS4 Township. MCM 1 is to create Public Education and Outreach. MCM 2 is Public Participation and Involvement. MCM 3 is Illicit Discharge Detection and Elimination. MCM 4 is Construction Site Runoff Control. MCM 5 is Post-Construction Runoff Control and MCM 6 is Pollution Prevention and Good Housekeeping. These 6 (BMPs) Best Management Practices are required under MCM and will be discussed at the Public Meeting so that people understand what the purpose is for all of these. This will have to be adopted and submitted by September of this year.

BUFFALO TOWNSHIP PLANNING COMMISSION – REGULAR MONTHLY MEETING – MARCH 6, 2019

REMARKS FROM THE FLOOR

Tim Walters handed out some maps for reference to the Planning Commission Board. Tim stated that he lives at 805 Harrison Avenue, Natrona Heights, but grew up here in Freeport. I am currently a teacher at Freeport Middle School, Football Coach and Track Coach. My wife and I have been planning on moving back into this area. We are interested in purchasing property on our family's farm. The Palko's Farm. One thing we are trying to do is keep it in the family. We would like to have the property remain A-1 but would like to build a home on it also. I know there are certain Ordinances about putting houses on farm land. We are looking at buying around 2-10 acres. Looking closer at 4 acres to possibly build on. We are just looking for the initial go ahead from the Township to subdivide. Tim discussed the areas on the farm that he would be interested in purchasing. The first location is up a lane, location 1 noted on the maps I passed out. Location 2 does have road frontage, it is located at Ekastown and Fleming Roads. We still want to leave everything a A-1 Agricultural so that my family can still farm the land. Ken Howard asked what is your plan for sewage disposal? Tim replied we would have to do onsite sewage and water. Ken asked if Tim knew if it will pass for on site septic? Tim replied that is something we will be checking on. Ken stated if you can't get that to pass then it is not buildable property. The next question would be about road frontage? The right of way from this picture appears to go to another land locked parcel. Do you know who the owner of that land is? Tim replied, I do not know who lives there but it was at one time my family's property. Ken stated that our Ordinance states that you should have at least 25 feet of frontage on the existing roadway. Is there a way you could have a 25-foot flag pole frontage from Ekastown to your parcel? Tim stated that the piece of land is surrounded by my family's land. I wasn't sure that I needed that since there was already a lane back to the property. Ken stated we generally do not promote private lanes where you and other people have the same access because it causes problems for future. It's just better to have a strip of frontage. So, if you could get a 25-foot piece of frontage or a strip of land that would go along that driveway, just somehow to get to the property. Atty. Charlton stated that you could have a private agreement with the other owners but if that would happen to go south then you're stuck. Tim stated that he could get that deeded in from his family to get the 25-foot road frontage. Ken stated that would then be part of your parcel. Ken stated that in our stance it would be better to have that 25-foot road frontage just in case the property is ever sold out side of the family. Amy Trulik stated that if they would sell the property the mortgage company would need to see that deeded. Tim stated that I would need to get a perk test before I do anything to make sure the property is buildable and then go from there, make sure I have that 25 foot of road frontage and complete the paperwork that Rhonda gave me. Ken stated that you would need a Planning Module for sewage also. Ken stated that a Surveyor can complete all of the proper documents for the township. Tim stated if it doesn't work out with location one, then location 2 should be alright with the road frontage because of where it is located

BUFFALO TOWNSHIP PLANNING COMMISSION – REGULAR MONTHLY MEETING – MARCH 6, 2019

ADJOURNMENT was on a motion of Tim Gottus, seconded by Sue Gregory at 8:15 pm. Motion carried.
Un. Approval.

APPROVED:

CHAIRMAN

SECRETARY