

BUFFALO TOWNSHIP PLANNING COMMISSION – REGULAR MONTHLY MEETING – MAY 1, 2019

The Regular Monthly Meeting of the Buffalo Township Planning Commission was held Wednesday, May 1, 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 – Present
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 April 3, 2019 Regular Monthly Meeting of the Buffalo Township Planning Commission, as recorded, was on motion of Tim Gottus, seconded by Chris Foust. Motion Carried. Un. Approval.

LAND DEVELOPMENT

BARTON FAMILY PROTECTOR TRUST – LOT 1 – GRIMM ROAD - APPROVED

Dave Kane with Kane Real Estate Appraisal Service, LLC. Is here regarding a DEP Non-Building Waiver which is being changed into a Buildable Lot with septic for property located along Grimm Road. The property is Lot#1 of the Barton Family Protector Trust.

The township office has received the DEP Sewage Facilities Planning Module and comments.

Ken Howard stated that we have looked at their packet and it appears to be in order, and we would recommend moving it forward. Grant McConnell asked if there are any fees associated with this? Ken answered it is basically a planning module approval. Chris Foust stated that with the DEP there are no fees. Ken stated correct, it is basically them getting a Planning Module approval and obtaining a septic permit for that parcel. Dave Kane stated that he hopes no one ever has to go through this. Mr. Kane explained what happened before closing on the property. That this information was not attached to the deed. The condition was marginal and what that means is that you need a secondary site in case the first site fails, and we almost didn't have another site. These are tough to deal with. Atty. Charlton stated, just for the Board, whenever they have the Non-

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Building Waiver on there, you actually can't even buy that parcel that is normally tied to another parcel on the map and then you can't get approval to build on that or sell the parcel unless you do what Mr. Kane is doing right now. So, he is coming to get that approved which creates the separate lot. Mr. Kane stated that it was already subdivided off from the main house so, it was already separated. Atty. Charlton stated that you still couldn't buy it. Mr. Kane replied; I still could have purchased it. If the deeds weren't all messed up, I would have closed. Atty. Charlton stated but it would have all been messed up. Mr. Kane replied especially if the secondary site didn't get approved. Everything is in this packet. Ken stated that they just need signed by the Planning Commission and then submitted to the DEP. Mr. Kane said he has everything marked when the signatures need to be.

On a motion of Chris Foust, seconded by Sue Gregory to approve the signatures on the Barton Family Protector Trust DEP Non-Building Waiver being changed to a Buildable lot with septic and passing it onto the Supervisors for their signatures. Motion Carried. Un. Approval.

DISCUSSION REGARDING BUTLER-FREEPORT COMMUNITY TRAIL STREAM BANK RESTORATION PROJECT CFA GREENWAYS, TRAILS AND RECREATION PROGRAM

Ken Howard stated that we are making an application at the request of the township to do stream bank restoration on the community trail. It is a CFA application which is due in a few weeks and part of that submittal was that we needed a Planning Commission letter that says you approve and agree with this project in theory. It's not inconsistent that it's okay with, meeting any requirements in regard to zoning and ordinances. So, we drafted a letter that basically says, the stream bank restoration project is in compliance with the Buffalo Township & Clinton Township Joint Municipal Comprehensive Plan, the Buffalo Township Zoning Ordinance and the Buffalo Township Land Development Ordinance. That is all this letter is stating. So, when the Grant Agency looks at this project, they'll know that it is in compliance with the Zoning Ordinances in the municipalities.

REMARKS FROM THE FLOOR:

John Heigert, 166 Heck Road stated that he was here last month regarding building a privacy fence between his home and his neighbor's yard. We are aware that the current code is 6 feet in the back and 4 feet in the front. We are requesting that we can do sections of our front yard as a step up from 6 foot to 5 foot to 4 foot. The reason we are asking for this is because of the terrain. Our neighbor's property sits up way higher than ours which in essences makes a 4-foot fence look like a 2-foot fence. We have also had some safety issues with this neighbor which included law enforcement, dogs and what not. What you guys asked me to do was come back with some information. Police reports, the type of material I will be using and a wrap up letter of why we would like to do this. Mr. Heigert showed a piece of wood to the Board members and stated that this is cedar and dog eared

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Fence and these are copies of the police report which he handed to Atty. Charlton and a letter with written explanation and photos of why they are requesting an exception to the township code. Atty. Charlton stated here is my only issue with this. In all my years that I have been here, we have never dealt with a fence. This is really not a Planning Commission issue because we don't approve fences, we don't approve structures or what they look like. In my opinion that is not within your purview. In all of my reading of the code, this is a permit issue. It goes through Zoning Officer, if the Zoning Officer opposes, then it goes to the Supervisors. Or if the Zoning Officer says, "I don't know", then it goes to the Supervisors. The only problem with what I can see here is, I can't even imagine how many things would come through here if we start that. The Planning Commission doesn't have any authority to approve this. I don't see anything in the Municipalities Planning Code that states we could even approve that. Which my fear is that you would get challenged by any of the neighbors stating that you had no authority to approve this or even recommend or grant that to the Supervisors and that Mr. Heigert is not taking appropriate course through. I think it could create more problems. I wasn't at the last meeting but when I went and looked through the notes, the minutes and everything. My fear is that it doesn't do anything for you. I struggled with the process and I am thinking back, and we have never looked at a fence or anything like that. We have done as part of plans in a Planned Residential District and with the school where they had to have a fence but that is within PRD's and Developments. I believe that you have to get a permit to put up a fence under our code and I think this is where you have to go with this. I am struggling with giving you any advice on the outside because I think this could cause you problems in the future. I can't really give you that advise because I am their Solicitor, but I am seeing issues that could arise later on. You could end up with a challenge later on. Mr. Heigert asked, so we already built the 6-foot privacy fence in the back yard per code. So, you are saying I need to get a permit if I want to go higher than 6-foot or beyond what is outlined in the code. Atty. Charlton stated that is right. There is a provision for that, but it doesn't go through this board. Mr. Heigert asked, what is the correct channel? It would be through the Zoning Officer or Solicitor. Rick Healey stated that there is no permit needed for a fence. The decision was made for Mr. Heigert to come in front of the Supervisors next week. Rhonda Swartz was asked to put Mr. Heigert on the Regular Monthly Meeting of the Board of Supervisors Agenda for next week.

ADJOURNMENT was on a motion of _____, seconded by _____ at _____ pm. Motion carried. Un. Approval.

APPROVED:

CHAIRMAN

SECRETARY