

**BUFFALO TOWNSHIP PLANNING COMMISSION**

**REGULAR MONTHLY MEETING**

**NOVEMBER 1, 2017**

The Regular Monthly Meeting of the Buffalo Township Planning Commission was called to order on November 1, 2017, at 7:35 p.m. in the Buffalo 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, Grant McConnell, Chris Foust, Donna Davis, John Zurisko, Amy Trulik, Atty. Joe Charlton, Ken Howard, David Ivanek, and Roger Kelly.

**APPROVAL OF THE MINUTES**

On motion of Grant McConnell, seconded by John Zurisko, to approve the minutes of the October 4, 2017, Regular Monthly Meeting of the Buffalo Township Planning Commission as recorded. Motion Carried. Un. Approval.

**F & M TRAINING CENTER, LLC (FLO'S GYM) EXPANSION – EKASTOWN ROAD – SITE PLAN**

On motion of Grant McConnell, seconded by Chris Foust, to remove the F & M Champion Training Center, LLC Expansion Site Plan from the table of October 4, 2017. Motion Carried. Un. Approval.

A letter was received via email on 10/26/17, from Richard W. Craft, P.E., Olsen Craft Associates, LLC which states "in accordance with Pa Municipalities Planning Code—Act of 1968—PL 805—No. 247, Section 508, this letter hereby serves as notice of granting Buffalo Township reviewing and approval bodies a time extension of 30 additional days for actions regarding the above referenced plan."

Ken Howard stated we haven't received anything from their designers over the past 30 days. It is appropriate to read and acknowledge the letter and put it back on the table. Ray Smetana stated maybe we should have asked for 60 days. Atty. Charlton stated we don't ask for anything; they grant the extension; if they don't, it gets denied.

On motion of John Zurisko, seconded by Grant McConnell, to retable the F & M Champion Training Center, LLC (Flo's Gym) Expansion Site Plan located on Ekastown Road. Motion Carried. Un. Approval.

**PROPOSED AMENDMENT #6 TO ZONING ORDINANCE #129**

Philip and Janice Richter and Amy Shick are proposing to rezone the property located at 209 North Pike Road. The property is a total of one (1) acre. It is currently zoned "R-1" and they are

**BUFFALO TOWNSHIP PLANNING COMMISSION**

**REGULAR MONTHLY MEETING**

**NOVEMBER 1, 2017**

proposing to change it to “R-2”. The present use is a retired Chiropractic Office/Rental; the proposed use is a Child Daycare/Rental.

The township office has received a petition for Amendment to the Zoning Ordinance, Filing Fee, Legal Description of Property, Map-showing location of property, a List of Property Owners within 300’, Township Engineer’s comments (received via email 11/1/17), Municipal Authority comments (MABT currently provides public water and sewer service to this premise. The Authority requires a No Lien Letter during the transfer of property within this area and purchaser of property will need to contact the Authority at time of purchase to establish an account).

Jon Doerr explained the property across the street is zoned “R-2”. My client has had a daycare in the township for a number of years. She needs more space. The Richters have moved. Does he have to come for the next meeting? Atty. Charlton answered he is going to have to be there for the Conditional Use Hearing. He could probably do a limited power of attorney which I will look into. The property owner does have to be there for the Conditional Use Hearing. This is a Conditional Use in “R-2”. You are going to have two different uses. It is going to be the rental and the daycare. You want that to occur before the property sale, correct? Jon Doerr answered yes. Atty. Charlton stated this is not spot zoning because across the road is “R-2”. This is a two step process—rezoning and conditional use. Philip Richter asked could that be covered under one meeting or two separate meetings. Atty. Charlton answered we have done the two together. Philip Richter stated I could be here for the first Wednesday in December. Atty. Charlton stated you would need to come to the Planning Commission’s Dec. 6 Meeting for the Conditional Use. The advertising requirements were discussed. Ken Howard stated the property owner would also have to apply for a Conditional Use. Atty. Charlton stated you could withdraw and then resubmit the zoning change and conditional use for December. You would have to pay the Conditional Use Fee. Ken Howard asked could we allow him to present his Conditional Use Petition tonight as part of his application? Atty. Charlton stated you could fill it out now and submit it. I will look at it.

On motion of Donna Davis, seconded by Grant McConnell, to table the Proposed Amendment #6 to Zoning Ordinance #129. A Roll Call Vote was taken. Motion Carried on a Roll Call Vote. Amy Trulik abstained because the property owner is her client.

Roll Call Vote

John Zurisko	Aye	Chris Foust	Aye
Grant McConnell	Aye	Ray Smetana	Aye
Amy Trulik	Abstain	Donna Davis	Aye

**BUFFALO TOWNSHIP PLANNING COMMISSION**

**REGULAR MONTHLY MEETING**

**NOVEMBER 1, 2017**

**BURGER KING – SIGN – SOUTH PIKE SQUARE – SOUTH PIKE ROAD**

Custom Signs, Inc. is proposing to construct signage at 708 South Pike Road for PEC Management’s Burger King Drive Thru & Restaurant. The high pole sign will be 10’ x 10’ x 25’ high with a 4’ x 10’ message center. There will be 5 total 36” x 12” x30” high directional signs. A Pre-Menu Board and a Menu Board, an Order Confirmation Unit (OCU), Clearance Bar, a 1’2” x 23’ 9 ¾” Home of the Whopper (HOTW) Channel Letters and 3-6’ logo signs.

The township office has received a Picture/Description of the Signs, Location of Signs, Township Engineer comments (Letter received email 10/31/17), and Municipal Authority comments (MABT advises that the main water line along Route 356 is contiguous with this property and all signage must be at least 10 feet away from the water line).

Ken Howard stated we prepared a letter. The setback is 15 feet from the right of way, 20 feet from the property line. It appears that multiple signs on the site are not located 20 feet from the property line. Please revise the sign locations to comply with the Ordinance. Some of the signs are too close to the right of way. The location of the signs was discussed. David Ivanek added we are asking for details and structural calculations for the large pole sign. Ken Howard stated you will need to revise your drawings and resubmit them to us; we can look at this at next month’s meeting. The Representative from Custom Signs, Inc. stated we could resubmit this by Monday. Atty. Charlton stated we could move this on with a contingency. Ken Howard stated if they meet the requirements of the Ordinance we could recommend approval.

On motion of Chris Foust, seconded by Amy Trulik, to make a favorable recommendation to the Board of Supervisors contingent on meeting all of the requirements in the Township Engineer’s Letter. Motion Carried. Un. Approval.

**PROPOSED AMENDMENT #6 TO ZONING ORDINANCE #129 AND PETITION FOR CONDITIONAL USE**

On motion of Grant McConnell, seconded by John Zurisko, to remove the Proposed Amendment #6 to the Zoning Ordinance from the table of November 1. A Roll Call Vote was taken. Motion Carried on a Roll Call Vote. Amy Trulik abstained because the property owner is her client.

Roll Call Vote

John Zurisko	Aye	Chris Foust	Aye
Grant McConnell	Aye	Ray Smetana	Aye
Amy Trulik	Abstain	Donna Davis	Aye

**BUFFALO TOWNSHIP PLANNING COMMISSION**

**REGULAR MONTHLY MEETING**

**NOVEMBER 1, 2017**

Atty. Charlton stated I advised the Board that it is not spot zoning and see no impediment to recommend granting the zoning change. Upon reviewing the Conditional Use Application, I would note the present use right now is rental and they are making an application under the "R-2" Residential Zoning District, a Conditional Use for Daycare Services which is a Conditional Use which is allowable under "R-2". You just have to consider the Conditional Use Application. You are not analyzing whether a Daycare Center is appropriate; you are analyzing simply that they are applying for a Conditional Use which is permitted by our zoning. Jon Doerr answered questions about the parcel.

On motion of Donna Davis, seconded by Grant McConnell, to make a favorable recommendation of the Zoning Change and Conditional Use to the Board of Supervisors. A Roll Call Vote was taken. Motion Carried on a Roll Call Vote. Amy Trulik abstained because the property owner is her client.

Roll Call Vote

John Zurisko	Aye	Chris Foust	Aye
Grant McConnell	Aye	Ray Smetana	Aye
Amy Trulik	Abstain	Donna Davis	Aye

Atty. Charlton stated do a separate motion for the zoning change and one for the conditional use.

On motion of Donna Davis, seconded by Grant McConnell, to make a favorable recommendation of the Zoning Change to the Board of Supervisors. A Roll Call Vote was taken. Motion Carried on a Roll Call Vote. Amy Trulik abstained because the property owner is her client.

Roll Call Vote

John Zurisko	Aye	Chris Foust	Aye
Grant McConnell	Aye	Ray Smetana	Aye
Amy Trulik	Abstain	Donna Davis	Aye

On motion of Donna Davis, seconded by Grant McConnell, to make a favorable recommendation of the Conditional Use Application to the Board of Supervisors. A Roll Call Vote was taken. Motion Carried on a Roll Call Vote. Amy Trulik abstained because the property owner is her client.

**BUFFALO TOWNSHIP PLANNING COMMISSION**

**REGULAR MONTHLY MEETING**

**NOVEMBER 1, 2017**

Roll Call Vote

John Zurisko	Aye	Chris Foust	Aye
Grant McConnell	Aye	Ray Smetana	Aye
Amy Trulik	Abstain	Donna Davis	Aye

Atty. Charlton stated the \$800 Conditional Use Fee will need to be paid tomorrow.

**REMARKS FROM THE FLOOR**

John Allen stated I purchased the former Walters Farm on Parker Road. It is 96 acres. There is a person interested in buying the farmhouse and fixing it up. I would like to subdivide three acres with it. Roger Kelly had a question about the acreage with the house. Discussion followed.

Justin Oertel stated my Grandfather, Daryl Beer, owns Dynamic Ceramics. He just purchased the Klabnik Property which is zoned Agricultural. I would like to move closer to the business and would like to rezone part of the Klabnik Property to build a house. Atty. Charlton stated part of that property is zoned "B-2" and part is zoned Agricultural; you could build a house on the part that is zoned Agricultural. Discussion followed. The Planning Commission stated he could do a subdivision and make it a flag lot.

Justin Oertel stated my Grandfather is interested in adding a 60 x 100' addition to the back of the existing facility. Ray Smetana stated you will need to do a Site Plan and go through that process.

**ADJOURNMENT**

There being no further business, it was on motion of John Zurisko, seconded by Chris Foust, to adjourn this Meeting. Motion Carried. Un. Approval. Adjournment at 8:35 p.m.

**APPROVED:**

\_\_\_\_\_  
**CHAIRMAN**

\_\_\_\_\_  
**SECRETARY**