

BUFFALO TOWNSHIP PLANNING COMMISSION

REGULAR MONTHLY MEETING

DECEMBER 6, 2017

The Regular Monthly Meeting of the Buffalo Township Planning Commission was called to order on December 6, 2017, at 7:40 p.m. by the Chairman Ray Smetana. This Meeting is being recorded. If anyone is recording this Meeting, please state your name and address.

The following members were present at this evening's meeting: Ray Smetana, Grant McConnell, Chris Foust, John Zurisko, Amy Trulik, Atty. Larry Lutz, Ken Howard, and Roger Kelly. Absent were Donna Davis and Atty. Joe Charlton, both emailed.

APPROVAL OF THE MINUTES

On motion of Grant McConnell, seconded by Chris Foust, to approve the minutes of the November 1, 2017, Regular Monthly Meeting of the Buffalo Township Planning Commission as recorded. Motion Carried. Un. Approval.

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

This was tabled at the November 1, 2017, Regular Monthly Meeting. Ray Smetana asked Atty. Lutz if the Planning Commission needed to remove this from the table? Atty. Lutz answered no; just read the letter. Another extension request letter was received on December 6, 2017, from Richard W. Craft, P.E., Olsen Craft Associates, LLC, and was read by Chairman Ray Smetana 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 received a revised Site Plan and Storm Water Management Design. They still have some pretty serious issues with the design of what they submitted. I had a conversation with Mr. Craft they are going to redesign this again hopefully by next month.

LERNERVILLE SPEEDWAY – NORTH PIKE ROAD – SIGN

Signstat is proposing to replace the Lernerville Speedway lighted sign. They will be using the same sign structure, only removing the Budweiser portion of the sign and the Electronic Message Center and replacing both with a new Electronic Message Center. Lernerville will be reducing the size of that portion of their sign from 7' x 19' to 6'5" x 12' 3".

The township office has received a picture/description of the sign, the location of the sign, Municipal Authority comments (The Municipal Authority of Buffalo Township does not anticipate any issues with the proposed Lernerville Speedway Sign. Our water main is about 175 feet south and our sewer main is 500 feet south of the proposed project as per letter received 11/21/17), and Twp. Engineer's comments (received email dated 12/6/17).

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The Representative from Signstat stated the sign at Lernerville is very old and is extremely large. It is approx. 256 ½ sq ft. of signage. A large portion has Budweiser on it; they are no longer a sponsor. They would like to remove that. They would also like to replace the old Electronic Message Center. The total square footage of the sign would be reduced; a reduction of approx. 21 percent of what is there now. There is a little bit of a question if the Penn Dot Right of Way is 23 or 25 feet. I measured from the center of the road 25 feet and measured to the edge of the existing sign which is 12 feet. I sent those photos to Rhonda. We are trying to clean up that whole structure. The electronic message center has an automatic dim down on it. During the day it would be at its brightest and dim down at night so there is not a distraction to any drivers. The poles seem to be in very good shape. They are 10 inches in diameter, ¾ inch wall. The overall height of the sign is 32 ½ feet.

Ken Howard stated our letter basically recites what your Ordinance says regarding these items. This site is located in the "B-2" Central Business District, and "A-2" Access Management Overlay District, and will have to comply with all applicable requirements for those districts. In Section 410.4, each use may have a combination of freestanding, roof, or wall signs meeting the standards of the following table. For the "A-1", "C-1", "R-1", and "R-2" Districts, aggregates shall be calculated based upon per lot basis. For the "B-1", "B-2", "B-3", "M-1", and "M-2" Districts, aggregates shall be based upon separate tenancy. However, all free standing signs of greater than thirty two (32) square feet in area are also land developments and shall meet procedural requirements of the Buffalo Township Subdivision and Land Development Ordinance. The proposed sign has an approximate area of 202 square feet. Under 410.4 Electronic Signs, Signs with video LED or similar electronic changeable copy messages are permitted as a conditional use in the "B-1" and "B-2" Business Districts provided the developer of the sign shall clearly describe the type of electronic sign proposed as it meets the appropriate definition of electronic signs by sub-type under the definitions in this Ordinance. The subject property for the proposed sign is located in the "B-2" Central Business District; therefore, Conditional Use approval shall be required. Signs shall meet all area and setback limitations for the district in which it is proposed. The subject property for the proposed sign is located in the "B-2" Central District. The "B-2" Setback requirements for signs are 15 feet from R-O-W, 20 feet from property lines. Compliance with the required setbacks could not be determined from the drawings, submitted; however, the applicant states that the proposed sign would have a setback of 12 feet from the R-O-W line. Also, the applicant states that the proposed sign would be replacing an existing sign and would be installed in the same location as said existing sign. The "B-2" Zoning District requirements for sign areas allow for a maximum aggregate area of 400 square feet and a maximum area per sign of 144 square feet. The proposed sign has an approximate area of 202 square feet. The "B-2" Zoning District requirements for sign height allows for a maximum height of 25 feet (measured from existing grade). The proposed sign has an approximate height of 32 feet. Additional setback from residential districts: All portions of the sign structure must be a minimum distance of one hundred (100) feet from an abutting "R-1" or "R-2" residential district boundary. Setback from other

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electronic changeable copy, electronic graphic displays or video display signs: Electronic signs must be separated from other electronic signs by at least thirty-five (35) feet. No more than one electronic sign is permitted on a lot, regardless of how many tenants occupy that lot. Orientation, when located within one hundred fifty (150) feet of a residentially-used lot in a residential zone, all parts of the electronic changeable copy sign must be oriented so that no portion of the sign face is visible from an existing or permitted principal structure on that lot. Audio or Pyrotechnics, audio speakers or any form of pyrotechnics are prohibited in association with an electronic sign. The Supervisors may limit the hours of illumination or operation, or amount of illumination of electronic signs pursuant to preventing light trespass, and unnecessary nighttime glare. Because messages on these types of signs may be changed quickly, the developer shall present an operating plan that includes proposed message duration, transitions between messages, and any transitional or other special effect proposed. The developer shall show driver reaction times, speed, and show the sign will not present an undue distraction to motorists. Ray Smetana stated their height is over our required height; but it is an existing sign. I don't see that as a problem. Atty. Lutz stated they have the argument that the sign has been there a long time; it was one of the first electronic signs in the township. Albert Roenigk stated it was the first electronic sign. We never charged anybody for anything on the sign. There are 1400 bulbs in it. Atty. Lutz commented on our Ordinance at that time. Ray Smetana stated I don't see any reason to withhold approval for them to go on to the Supervisors and ask for a conditional use hearing. Ken Howard stated my question would be do they need a conditional use hearing? We have to be careful that we don't set a precedent. Atty. Lutz stated they are not technically in compliance with our Ordinance. Ray Smetana stated they are replacing an existing, nonconforming sign. It will be a definite improvement over what is there now. Atty. Lutz stated you could pass it on.

On motion of Chris Foust, seconded by Grant McConnell, to make a favorable recommendation to the Board of Supervisors. Motion Carried. Un. Approval.

JOHN ALLEN, JR. FAMILY TRUST – SUBDIVISION – PARKER ROAD

The John Allen Jr. Family Trust is proposing a subdivision of property located on Parker Road approx. 1400 feet from the intersection of Parker Road and SR 356. The proposed subdivision will subdivide Parcel B which is a 117.3 acre parcel into three parcels. Proposed Lot 1 will be 4.0 acres. Proposed Lot 2 will be 4.7+- acres. The residual lot, Parcel B-1, will be 108.7+- acres. The township office has received Subdivision Plan, Filing Fee, Twp. Engineer's comments (received email dated 12/6/17), and Municipal Authority comments (MABT does not have public water service available to this area. Public sewer is available in this vicinity. A sewer tap can be made in the front yard of Lot 2, where there is an existing sewer main and sanitary right of way. If Lot 1 requires public sewer service, the private lateral should run in front of Lot 2 and an easement will be necessary as per letter received 12/1/17).

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Steven Victor, Victor Wetzel Associates, stated this is a request for a further subdivision of Parcel B of the John Allen, Jr. Family Trust Subdivision. The purpose is there is a buyer for the existing old house. Parcel B is a remnant of Phase I. He explained the drawing. One of the comments from the letter we received this afternoon from the Township Engineer was to show the buildings. We have amended the drawings and will provide those to you. The question is are we consistent with the Master Plan. This Master Plan has been provided to the township and to Ken. He explained the Master Plan. The purpose tonight is to create a three lot subdivision. Ray Smetana asked has this changed your road systems at all? Steven Victor answered yes and no. In the big picture, absolutely not. What changed is the storm water detention facility became significantly larger. John has challenged me to do a Plan that has less grading and explained. Ken Howard commented on the road connection onto Parker. Steven Victor stated the original Plan had this road lined directly with Parker. Instead we moved down 200 feet from the 90 degree bend so that we have safe site distance. Sewers were discussed and explained.

Ken Howard stated we asked them to show all existing structures on the Plan. They have done that. It appears that several watercourses traverse the subject property. Please show required drainage easements. The DEP Sewage Waiver, as shown on the plan, is not applicable. Additionally, please provide provisions for sanitary sewer service to Lot 1. Please provide closure and area report. There is a discrepancy in the Parcel B-1 area which differs from the prior subdivision plan. Steven Victor stated I spoke with our Engineer; we have no conflict with Ken's letter. Ray Smetana asked will you be able to put that together by next week? Steven Victor answered yes; they are working on it right now. The revised plans should be here by Friday.

Ken Howard stated we talked to John Allen about providing us with an updated Master Plan because this was part of the PRD approval process. I think part of our approval of this Plan needs to include the modified Master Plan. Ray Smetana stated so that should be approved. Ken Howard stated the question for Atty. Lutz is we gave preliminary approval to that and only final approval to your PRD Phase 1 that is now under construction. Steven Victor stated that our Attorney had these discussions with Atty. Charlton. I can tell you that our Attorney's opinion is different than Ken Howard's. We submitted the Master Plan as a courtesy to the township. The approval that was granted to us only applies to the 99 lots. We did not ask for or receive legal approval for PRD 2 or 3; we are happy to share the Master Plan. It did not get formal approval. Ray Smetana stated that originally we did approve PRD 1 based upon the overall concept. Steven Victor agreed. In defense of what Ken Howard is saying, it was a nine sheet package when we started. You asked for sheet ten. According to our Attorney it is just a tool to guide all of us in what we are going to do. Atty. Lutz stated I believe that this is not changing the overall intent of what was initially presented. There clearly is a small change. I think that I can live with that interpretation; this is a minor change. Steven Victor stated that part of the reason

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that our Attorney feels the way he does is that tentative document was never recorded. The only document recorded is the Phase 1 Final Plan PRD 1. It is part of the tentative approval package but was never recorded. It is not a recordable document. The Plan was discussed.

On motion of Grant McConnell, seconded by John Zurisko, to make a favorable recommendation of the John Allen Jr. Family Trust Subdivision on Parker Road. Motion Carried. Un. Approval.

REMARKS FROM THE FLOOR

Jonathan Smetanick, Freeport Transport, attended the meeting with questions about zoning. He stated I am interested in opening a truck dealership. The property is zoned "A-1" and "M-2". In "M-2" there are accessory uses. Could we sell our own used equipment? Atty. Lutz asked if anyone saw a dealership category anywhere in the Ordinance? Ken Howard answered I don't think so. Jonathan Smetanick stated I would like to have the ability to buy and sell any type of vehicle from farm tractors, regular pickups, and tractor trailers. John Zurisko asked are you going to have a certain brand name? Jonathan Smetanick answered I don't believe so. Gary Risch asked isn't this property in the Overlay? Ray Smetana answered yes. Ken Howard read definitions of truck terminal and warehousing from the Zoning Ordinance. Grant McConnell asked will you service equipment that you sell? Jonathan Smetanick answered we do in our current garage. Atty. Lutz asked about signs? Jonathan Smetanick answered I think it is required for a dealer's license. Roger Kelly commented about signs. Amy Trulik stated it is not different from what he is doing now. Jonathan Smetanick stated we will take trades. Chris Foust and Grant McConnell both stated to rezone the property. Jonathan Smetanick stated they would like to stay with the "M-2" zoning. Atty. Lutz stated I believe that you can probably do this.

RESIGNATION

Ray Smetana read the letter of resignation from John Zurisko effective immediately. He was recently appointed to the Board of Supervisors.

ADJOURNMENT

There being no further business, it was on motion of Chris Foust, seconded by Grant McConnell, to adjourn this meeting. Motion Carried. Un. Approval. Adjournment at 8:30 p.m.

APPROVED:

CHAIRMAN

SECRETARY