

BUFFALO TOWNSHIP PLANNING COMMISSION – REGULAR MONTHLY MEETING – DECEMBER 2, 2020

The Regular Monthly Meeting of the Buffalo Township Planning Commission was held Wednesday, December 2, 2020 and convened at 7:30 pm via video conference. 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 – Absent

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 November 4, 2020 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.

SETTING THE REGULAR MONTHLY MEETINGS

On motion of Amy Trulik, seconded by Sue Gregory, to set the meetings for the Buffalo Township Planning Commission at 7:00 pm on the first Wednesday of each month, with the Reorganization Meeting being Wednesday, January 6, 2021 followed by the Regular Monthly Meeting. Motion Carried. Un. Approval.

NEW BUSINESS

REAPPROVAL OF PLAN NO. 2 REVISION OF LOT 2 FOR THE JOHN M. ALLEN JR. FAMILY TRUST

Ken Howard with Bankson Engineers stated that the plan was approved previously but was not recorded in the 90-day time period which is required by the recorder of deeds office. So, it just needs reapproved to update the date of approval.

On a motion of Chris Foust, seconded by Sue Gregory to reapprove the Plan No. 2 Revision of Lot 2 for the John M. Allen Jr. Family Trust for recording. Motion Carried. Un. Approval.

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LAND DEVELOPMENT

OAK CREEK FARMS FINAL SITE/SUBDIVISION PLAN

Gateway Engineers is submitting a proposal for F & H Property Development, LLC proposed Oak Creek Farms Development located on the south side of South Pike Road (SR 356) on Parcels 040-1F77-8B in Buffalo Township, Butler County in the Single Family Residential District (R-1) on 28.8 acres of land. The property is part of the remnant parcel from the Twin Oaks Development currently being developed. The subdivision plan is located along Parker Road and is 28.8 acres. The property is adjoining and lies south east of the Twin Oaks Development. This plan had Conditional Use approval in September 2020. This site will have 44 lots. The lots will be an average size of 1/3 acre and include approximately 10.5 acres of undeveloped open space.

The Township office is in receipt of the Site/Subdivision Plan Application, Site/Subdivision Filing Fee, Site/Subdivision Plans, Municipal Authority of Buffalo Township Comments received 11/23/2020; Public water & sewage exist within the vicinity of this project As discussed previously with the Developer, the route for water service, as depicted in the site plan, will not be approved b the Authority. There is one water main on Sarver Road that feeds all of Chester field Estates (76 homes), Twin Oaks (proposed 98 homes) and the proposed project of 44 homes. If there is a main break on Sarver Road, all homes will be without water until repairs are made. The Authority is requesting that the Developer consider extending water service from SR 356 to Parker Road. This will loop the system and provide adequate fire protection for this area. Tis request is not uncommon – the Authority required Sarver’s Mill to install a looped system in their development of 137 lots. Bankson Engineer Comments received 11/30/2020; **ZONING:** 205: This site is located within the R-1 Single Family Residential District. The proposed use (Planned Residential Development) is in accordance with the Conditional Uses of the R-1 Single Family Residential District per the Zoning Ordinance. The Applicant has held a Conditional Use Hearing and has obtained Conditional Use Approval for the Planned Residential Development. The Applicant is proposing the following modifications to the R-1 Zoning Standards as part of the Planned Residential Development Approval:

- Minimum Lot Area is 20,000 square feet. Applicant is proposing 8,386 square feet.
- Minimum Front Yard Setback is 50 feet. Applicant is proposing 30 feet.
- Minimum Lot Frontage Required is 100 feet. Applicant is proposing 75 feet.

410: Any signage for the proposed development will be subject to review by the Township. 519: We recommend that the Applicant identify where the Natural Areas as well as the Recreation Areas will be located as part of the proposed PRD. 520: Common Open Space Maintenance or Stormwater Management Facilities: We recommend that the Applicant specify whom will be responsible for the maintenance of the common open space, as well as the stormwater management facilities, as part of the proposed PRD. These duties, and the responsibility of same, should be outlined in the Developer’s Agreement. 529: We recommend that the Applicant submit

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a complete Landscaping Plan which indicates how open space areas will be managed. The Landscaping Plan indicates that existing wooded areas are to remain, however, grading is proposed in these areas as well. **SUBDIVISION**: 206: This project proposes the installation of public infrastructure. As such, per the Municipalities Planning Code, the Applicant is required to provide financial surety for the completion of the public improvements. Should the Applicant elect not to post financial surety, it is recommended that Final Approval not be granted until all public improvements are constructed in accordance with the Township Ordinances. 213: Public Sites and Open Spaces: As this Planned Residential Development will create new residential dwelling units, the Applicant is required to provide a dedication of land for recreational use or pay the fee in lieu of such dedication. 303.2: The Board of Supervisors will determine the applicability of a traffic impact study. 303.11: It does not appear as if the proposed intersections of Oak Creek Drive, Twin Oaks Drive, and Parker Road conform with the requirements of the Subdivision and Land Development Ordinance for the maximum grade approaching an intersection, minimum horizontal radius of the roadway alignment, or sight triangle. 307:

Water and sewer utility designs will be subject to review by the Buffalo Township Municipal Authority. Evidence of Approval shall be forwarded to the Township. 409: We recommend that the Applicant label the underground electric and telephone utilities on the Plan Drawings or include a symbol in the legend for ease of recognition. 410: We recommend that the Applicant coordinate with the Twin Oaks development to ensure that a stop sign, or alternative traffic controls, be installed at the connection point between the two Planned Residential Developments. 1. A Final lot closure report should be provided for the subdivision. Additionally, it appears as if the subdivision drawing numbers are shown incorrectly. **STORMWATER MANAGEMENT**: 305: The 25-year post-construction discharge rate exceeds the 10-year pre-construction discharge rate at Point of Interest #2, which is not permissible by the Ordinance. During the preliminary review for this land development application, the Applicant provided calculations that demonstrated that the rate control provisions had been met with respect to the runoff from the Applicant's property. We recommend these calculations be included in the PCSM Report and the final land development approval submission materials. 501.B.14: The rip rap aprons shown on the Plan Drawings do not appear to be consistent with the dimensions listed in the table shown on Drawing C711. We recommend that the rip rap apron size(s) be clarified. 501.B.15: We recommend that the Applicant provide planting and landscaping details for the proposed stormwater basins. 501.B.18.b: We recommend that trash racks be provided on any orifice/weir with a nominal diameter/opening of less than 12 inches in diameter. 501.B.18.d: The Applicant should provide anti-seep calculations for the discharge pipe of each stormwater management basin. 501.B.19: The emergency spillway for Basin 1 is shown on the Plan Drawings with a width of 25 feet, whereas the PCSM Report and PCSM Details indicate the width shall be 20 feet. The emergency spillway width should be consistently shown on the Plan Drawings and calculations.

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501.B.20.c: We recommend the Applicant demonstrate how access will be provided to the bottom of the stormwater facilities, in accordance with the Stormwater Management Ordinance. Additionally, an easement should be reserved for access from the public street right-of-way.

501.B.22.a: It appears as if the maximum flow exceeds the design flow for the storm sewer conduit between CB 4-4 and CB 4-3. The capacity of this storm sewer should be revised to comply with the requirements of the Stormwater Management Ordinance. Also, all inlets shall be tear dropped such that they are not located within the cartway. 501.B.22.d: The underdrain on the north side of Oak Creek Drive near the intersection with Parker Road does not appear to be connected to CB 3-2. All roadway underdrains shall be tied into inlet boxes. 502.H: We recommend that the Applicant provide post-construction time of concentration calculations to justify the use of the same value for the pre- and post-construction analyses. **GENERAL**

COMMENTS: 1. The Applicant should provide an illuminance grid that demonstrates the site lighting will comply with the ordinance requirements. It appears as if the lighting details on drawing C605 are in reference to a different project and should be updated. Additionally, it appears as if the model number for the lighting fixtures is incomplete. 2. At all points where the sidewalks intersect with the public roadway, provisions shall be made by the Applicant to ensure that the sidewalks are compliant with the requirements of the Americans with Disabilities Act (ADA). 3. It appears as if a system of roof drain collector manifolds is proposed throughout the development. Each manifold is indicated as “Typical” on the Plans. We recommend that the Applicant provide additional information for these manifolds to clarify the pipe diameter, pipe slope, and pipe invert elevation. Additionally, first floor and basement elevations of nearby structures should be provided to confirm the functionality of the roof drain manifolds. Profiles of the manifolds should be provided which include the locations of the wyes for residential storm sewer connection. 4. We recommend that the Applicant confirm that no wetland encroachment is proposed during this project. It appears as if the limit of disturbance has been delineated to specifically exclude any impacts to existing wetlands. It should be noted that additional construction permits may be required should any wetland disturbances occur. 5. It appears as if the Applicant is proposing grading within five (5) feet of the property line and encroaching onto the parcel owned by the adjoining property owner. The Applicant should provide expressed written consent from the neighboring property owner which permits such action. 6. It appears as if an end wall is proposed near the intersection of Oak Creek Drive and Parker Road which would discharge concentrated stormwater runoff onto the adjoining property owner. We recommend that the Applicant provide calculations which demonstrate adequate conveyance capacity of the existing channel as well as documented approval from the adjoining landowner which permits such discharges. A General Permit may be required for the installation of a culvert to convey the existing stream under the proposed Oak Creek Drive. 7. For Basin 1, the discharge pipe length shown on the Plan Drawings does not match the PCSM Report. For Basin 2, the discharge pipe slope shown on the Plan Drawings does not match the PCSM Report. The Applicant should clarify the material of the Basin discharge pipes, and whether a concrete cradle will be installed for same. On the Plan Drawings, the bottom elevation for Basin 2 is shown to be

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1044.00, whereas the PCSM Report identifies 1046.00 as the bottom elevation. The Plan Drawings and/or calculations should be revised for consistency. Additionally, it appears as if Basin one (1) has a maximum ponding depth which exceeds 4 feet, which does not comply with the requirements of the PA DEP Managed Release Concept. 8. The asphalt wedge curb detail should acknowledge that 1-inch of 9.5mm wearing course should be installed immediately following the installation of the 25mm base course. 9. Prior to granting Approval, the Applicant shall enter into a Stormwater Management Infrastructure Operation and Maintenance Agreement with the Township. 10. A Developer's Agreement which lists the maintenance responsibilities, bonding requirements, and ownership of facilities will be required. The Applicant is proposing street sweeping for water quality credit. We recommend that a street sweeping schedule be included in the Developer's Agreement. 11. Any and all permits, including but not limited to those shown below, shall be obtained prior to Final Approval: a. NPDES permit for stormwater discharges associated with construction activities b. Township Grading Permit c. General Permit for Minor Road Crossing.

We recommend that the Final Land Development Plan Application for the Oak Creek Farms Planned Residential Development should be tabled at this time. The Applicant should make all necessary revisions to the Land Development Application, then provide evidence of adequate resolution of all comments outlined above.

Ken Howard with Bankson Engineers stated that the Engineer for the Developer asked that this plan be tabled until January's Planning Commission Meeting to give them more time to make all the necessary revisions to their Land Development Application and provide adequate evidence for all comments outlined in Bankson Engineers review letter.

On a motion of Tim Gottus, seconded by Amy Trulik to table the Oak Creek Farms Final Site/Subdivision Plan until all necessary revisions to the Land Development Application are made and adequate evidence is provided of all comments outlined above. Motion Carried. Un. Approval.

PROPOSED AMENDMENT #4 TO ZONING ORDINANCE #135

Snug & Monk Properties are proposing to rezone Tax Parcel number 040-1F77-8 located at 128 Parker Road. The property is a total of 4.1 acres and is currently zoned "R-1"; they are proposing to change it to "A-1". The property across the road from the proposed site is zoned "A-1". The present use of the property is a "Single Family Residence"; the proposed use will be a Single-Family Residence with use for farm animals as well as an Historic Horse Farm with a Livestock Barn.

The Township office is in receipt of the Petition for Amendment of Zoning, the filing fee, the Legal description of Property, Map showing location of property, List of property owners within 300', Butler County Planning Commission comments received 11/13/2020; BCPC had no comments on this request, Municipal Authority of Buffalo Township comments received 11/23/2020; Public water does

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not exist within the vicinity of 128 Parker Road; however, public sewage serve does exist and currently serves this property, Bankson Engineers comments received 11/24/2020; The property under consideration is currently located within the R-1 Single Family Residential District. The Applicant desires to have the subject property reclassified to A01 Agricultural District to accommodate a Single-Family Residential Use as well as an Agricultural Use. The Agricultural District permits one (1) single-family detached dwelling per lot. Agricultural is a Permitted Use in the A-1 Agricultural District. The R-1 Single-Family Residential District abuts the subject property to the north, south and west. The property on the opposite side of Parker Road is currently zoned A-1. As such, it does not appear as if the proposed zoning change would constitute a spot zoning. The proposed Agricultural Use is consistent with past and present uses of the subject property and the immediately surrounding area. If the zoning change is granted , the Applicant shall comply with all applicable requirement of the Zoning Ordinance for the A-1 Agricultural District.

Ken Howard with Bankson Engineers stated that he sees no issue with changing the Zoning of the property from R-1 to A-1. Hugh Rumbaugh, Snug & Monk Properties was in attendance.

On a motion of Tim Gottus, seconded by Amy Trulik to move on to the Board of Supervisors. Motion Carried. Un. Approval.

SPC REALTY – ARBY’S RESTAURANT – PRELIMINARY SITE PLAN – 704 SOUTH PIKE ROAD

Liadis Engineering & Surveying, Inc. is submitting a proposal for SPC Realty’s redevelopment of the existing Citgo Gas Station property located at 704 South Pike Road (Route 356). The redevelopment of this site shall change the use of this site to an Arby’s Restaurant. This property is currently zoned as B-1 Business District. The use of this site for a restaurant is a permitted use under this zone, falling under the designation of “Eating/Drinking Places”. The site also falls under the A-2 Access Management Overlay Zoning District. This property is not very deep having only 155 feet from the road right of way line to the rear property line. Given a 100-foot front setback and a 20 feet rear setback, this results in having only 35 feet of depth within the building envelope. In a commercial area this depth is very restrictive. The Aqua Jet Car Wash building located adjacent and to the north of this property, is set back from the road right of way approximately 65 feet and the proposed Arby’s building is setback approximately 70 feet. The proposed setback for the Arby’s building exceeds the existing Access Management Overlay Zoning District qualifies for the permitted allowance for a reduced setback for this site. We are aware of the proposed widening project of SR 356 and have had multiple conversations and exchanges of information with PennDOT on this matter. We are also aware there is widening of the right of way for SR 356 proposed. Again, based on conversations due to topographic differences PennDOT is currently anticipating all the anticipated right of way acquisition will be located on the east side of the road, opposite from this property. This site plan currently before the Board was also provided to Eric Buchan, the PennDOT Manager for the SR 356 project.

The Township office is in receipt of the Site Plan Application, the Site Plan filing fee, Site plans, Butler County Planning Commission Comments received 11/19/2020; BCPC did not have any comments on this plan, Municipal Authority Comments received 11/23/2020; Public water and sewage service currently exist to this property. The Developer is advised to review the Authority’s specifications and

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Rules for Service at www.buffaloauthority.org or call the Authority office with questions, Bankson Engineer comments received 11/19/2020; **ZONING:** This site is located within the B-1, Business District, as well as the A-2, Access Management Overlay. The proposed use (Eating/Drinking Place) is in accordance with the Permitted Uses of the B-1 Business District, per the Zoning Ordinance. Because the site location is within the A-2 Access Management Overlay, the Application must comply with the standards set forth within both zoning districts. 207: We recommend that the Applicant show all setback lines on the Plan Drawings. In addition, the Applicant should demonstrate that the Coverage and Building Height limitations and requirements are met. Justification should be provided to support the reduction in front yard setback to the average of the buildings within 100 feet, as permitted within the Access Management Overlay. 405.1: Off-Street Loading – It appears as if one (1) off-street loading berth will be required, as determined by the gross square footage of the proposed building. The loading area should be shown on the Plan Drawings. 405.3: Off-Street Parking – It appears as if the proposed parking lot may exceed 20,000 square feet and will therefore be subject to the additional standards for landscaping. 202.3.b: We recommend that the current property owner information be shown in the parcel label. 202.3.h: We recommend that the Applicant provide a Landscaping Plan as well as an Outdoor Lighting Plan for review and approval. 202.4.c: We recommend that the Applicant provide evidence of adequate Act 537 Sewage Facilities Planning for the proposed building and parcel use as an Eating/Drinking Place. 303.2: We recommend that a traffic impact summary be provided by the Applicant. The Applicant should provide a brief analysis of the proposed traffic impacts including, but not limited to, average daily traffic increase, modal split of vehicles entering the site, anticipated increase in trip count, rush hour impacts, etc. The Board of Supervisors will determine the applicability of a complete traffic impact study upon receipt of this summary. 307: Connection to the public water and sewer systems are subject to review and approval by the Buffalo Township Municipal Authority. Evidence of approval should be forwarded to the Township. 402: Monuments and Markers – The Applicant should provide monuments or iron pins at property corners. 411: It appears as if a pole sign is proposed on the project site. We recommend that the Applicant provide evidence that the proposed pole sign will not adversely affect the sight triangle at the point of ingress/egress to the development. **STORMWATER MANAGEMENT:** 301.3/304: Volume control calculations have not been provided. The Applicant must demonstrate that all runoff volume control requirements have been met. 301.5: Water quality control calculations have not been provided. The Applicant must demonstrate that all water quality requirements have been met, including the Municipal Separate Storm Sewer (MS4) Pollution Reduction Plan Requirements. 301.g: It appears as if the stormwater concept proposes the construction of storm sewer facilities on the adjoining parcel. Additionally, the design involves discharge of stormwater runoff into the storm sewer system owned and operated by the South Pike Square development. An easement will be required for the proposed storm sewer infrastructure. We recommend that the Applicant provide evidence of expressed written consent from the adjoining property owner for which runoff will be permanently discharged. 301.q: It is unclear where the roof drains for the proposed building will discharge. This should be clarified on the Plan Drawings. 305.A.2: The proposed rate controls do not meet the required provisions of the Ordinance. The 25-year post-development discharge rate leaving the property exceeds the 10-year pre-development rate. 306.A.2: We recommend that this project site be considered a stormwater hotspot due to the past and present use of underground fuel storage tanks on the premises. 401.B: We recommend that the Applicant provide an Existing Resources and Site Analysis Plan for the project site and surrounding areas

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which fully complies with the requirements of the Ordinance. 501.B.18.b: We recommend that the Applicant provide trash racks for each orifice under 12-inches in diameter. 501.B.19: We recommend that the Applicant demonstrate that the underground runoff storage facility emergency spillway complies with the requirements of the Ordinance. 501.B.22.d.1: We recommend that the Applicant provide calculations which demonstrate that the existing and proposed storm sewers maintain adequate conveyance capacity to receive the proposed runoff flows. 501.B.22.d.2: We recommend that the Applicant provide evidence of expressed written consent to connect to the adjoining property owner's storm sewer system. 1. We recommend that the Applicant submit for review the pre-development and post-construction drainage areas, runoff curve number calculations, and time of concentration calculations. It should be noted that the Applicant is proposing to use six (6) minutes as the time of concentration for both the pre- and post-development scenarios. The minimum time of concentration for any post-development watershed shall be five (5) minutes, per the Ordinance. We recommend the Applicant justify, with calculations, the use of a 6-minute time of concentration. It should also be noted that an Applicant is not permitted to use the five-minute minimum for the pre-development time of concentration. 2. The Orifice Plate Detail shown on the Plan Drawings does not match what is shown in the stormwater calculations. The Plan Drawings reference a 38-inch by 6-inch rectangular orifice, whereas the calculations show a riser weir with a diameter of 3 feet. The drawings and/or calculations should be revised for consistency. 3. The Orifice Plate Detail shows a 15-inch diameter discharge pipe at a minimum slope of 2.00%, whereas the notes on the Plan Drawing state the pipe shall be installed at a slope of 1.50% to promote infiltration. The stormwater calculations show the 15-inch pipe being installed with a 7.00% slope. The drawings and/or calculations should be revised for consistency. 4. The Orifice Plate Detail does not show a width or a depth dimension for the proposed stone backfill around the 42-inch diameter storage chamber. Dimensions shall be added, as necessary, to clearly convey and demonstrate how the stormwater infrastructure is to be installed. Additionally, it is unclear whether the 42-inch diameter storage pipe is intended to be perforated, or solid wall. 5. It appears as if infiltration of runoff is proposed by way of a 15-inch diameter perforated pipe along Cinema Way. Please provide calculations which explain the nature of this infiltration and clarify why infiltration is proposed on the adjoining property and not on the project site. This infiltration concept will require the expressed written consent of the adjoining property owner for which the runoff will be discharged. Additionally, please demonstrate that the proposed infiltration will not adversely affect the public road right of way, or road subbase in any way. 6. We recommend that stormwater manhole details be shown on the Plan Drawings as well as any additional Township Standard Details, as required. **GENERAL COMMENTS:** 1. The Plan Drawings do not indicate the location of the public sanitary sewer collection system. These facilities should be added to the Plan Drawings. 2. It appears as if an existing utility pole is in very close proximity to the proposed stormwater infrastructure. We recommend that the Applicant clarify how this utility pole/utility service will be maintained or relocated as part of this development. 3. We recommend that the Applicant submit a Demolition Plan for review which explains the nature and timing of the removal of the existing facilities. 4. It appears as if the Applicant is proposing to grade outside the property boundary at the northeast corner of the project site, which is in violation of the Ordinance(s). Such grading activities will require the expressed written consent of the property owner on which the grading will occur. Additionally, it appears as if the proposed grading is to occur at a 2:1 slope, which exceeds the maximum 3:1 as permitted per the Township Grading Ordinance. The proposed grading shall be revised to meet the requirements of the Ordinance, or the Applicant shall provide a report

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prepared by a geotechnical engineer, licensed in the Commonwealth of Pennsylvania, which certifies to the stability of the proposed 2:1 slope(s). 5. A Developer's Agreement which lists the maintenance responsibilities, bonding requirements, and ownership of facilities will be required. 6. A Final Inspection of all improvements will be required prior to issuance of the Occupancy Permit. 7. Prior to granting Approval, the Applicant shall enter into a Stormwater Management Infrastructure Operation and Maintenance Agreement with the Township. 8. It appears that the proposed plan is in compliance with the Joint Municipal Comprehensive Plan. 9. Any and all permits including, but not limited to, those shown below shall be obtained prior to Final Approval: a. Butler County Conservation District Approval of Soil Erosion and Sedimentation Control Plan. b. Act 537 Sanitary Sewage Facilities Planning Module c. Township Grading Permit d. PennDOT Highway Occupancy Permit. We recommend that action on the Proposed Arby's Restaurant Land Development be tabled at this time. The Applicant should make all necessary revisions to the Land Development Application, then provide evidence of adequate resolution of all comments outlined above.

Ken Howard with Bankson Engineers stated that we have reviewed this plan as submitted. Their submittal does include a Lot Consolidation Plan where they are trying to delete a lot line between two parcels that comprise the parcel where the Citgo Gas Station is and the parking lot as well as a Land Development Site Plan of that property to turn it into an Arby's Fast-Food Restaurant and Drive Thru. We have 6 pages of comments on this submittal, there are quite a few of items that are outstanding. So, I am not sure if it is appropriate to read through all of these items or if there is anybody on the line representing the development that could speak to the letter that we sent to them. We are recommending that this be tabled because there are so many things on the list that are outstanding. David Kalina with Liadis Engineering was present to speak regarding this plan. Mr. Kalina stated that he does not disagree with anything that Ken just said. I know that we have a lot of holes in this submission. I would be interested to know if the members of the Board have any criticisms on the site layout or anything else that is not strictly technical in accordance with the ordinance that you would like to see addressed as we move forward? Tim Gottus stated that he didn't have anything specific. He is just sad to see all the Fast-Food Restaurants coming into Sarver. I just wish I had a way to influence a little healthier trend in our area but I know that is way outside the scope for this and it's just my opinion. Atty. Charlton stated from a legal perspective is the easements between the properties they are going to have to be at least purposed with the agreement because there were some items in there from a legal perspective that were grading off of the actual site as well. Getting those tied up before the next meeting would probably be a good idea from the legal side of it. Ken replied that there are a couple issues with regard to that, one being the grading encroaches across the lot line and probably more importantly the stormwater facilities that are purposed are purposed to be tied into a site on the South Pike Square Plaza property that Eric Smith is the owner of and part of their stormwater management infiltration basins are purposed to be built along the streets in the South Pike Square property. I just don't know if that landowner is agreeing to that? We could never give or recommend approval of something like that unless we had a document signed and executed by that landowner to allow for that type of work to be built on his ground. There are some big questions on this lay out. Mr. Kalina addressed Ken's comment. We have been working with Mr. Smith and stated that he is well aware of this and does have copies of our purposed plan and has agreed to the grading and the storm sewer that is shown on the drawings. We will have an agreement for the Board and the Solicitor to review by the next meeting. I understand that this is a huge issue but it is not really an issue except for

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signing the agreement. Ken replied, great. Mr. Kalina stated that there is no other storm sewer available so we have to go that way. Ken replied, we understand and if you can give us the information we've asked for in our letter I think you would address our concerns and part of that would be an agreement that is executed by Eric Smith and South Pike Square. Mr. Kalina answered, we will do that. That is not an issue. Atty. Charlton asked if that agreement would also have reference to who is going to take responsibility of the O & M Agreement before that gets passed on. Mr. Kalina answered that where I am tying into the existing inlet on Cinema Way I have provided a manhole five feet behind the curb with a stub out of it to service the Gas Station and the Burger King which will accommodate any storm water requirement associated with any future development of that property so that the storm sewer with this site would be totally independent of the exiting vacant ground. I will also make sure that in our agreement with Mr. Smith that there is no issues with the infiltration adjacent to the roadway put into the agreement. Ken asked if there would be a way that he could do the infiltration on his own land? That may be a more feasible approach. Dave replied, yes I could. I could turn, 95 feet of 36 inch in diameter pipe running along the south edge of the property for our storm water detention but I elected not to make that and infiltration sump because it appears to be on fill on that very south end. On the north end it would not be much of an issue. Just from looking at it there might be a fill issue. Ken asked if he would consider infiltration along the western side on your land possibly. Dave replied, it is going uphill. Ken suggested digging a trench. Dave replied, I probably could. I will look at that. If the Board prefers and Ken prefers that I keep the infiltration totally on site then, I have no objection to doing that it will just take a little bit of redesign. Ken stated that is a good thing to reevaluate. Dave stated that is one of the reasons he did not decide to table when he received the comment letter and to speak in front of the Board and get their opinions. Ken asked if they would be ready for the January Planning Commission Meeting and Mr. Kalina stated that is his goal.

On a motion of Amy Trulik, seconded by Tim Gottus to table the proposed Arby's Restaurant Land Development until all necessary revisions to the Land Development Application have been made and evidence has been provided showing resolution of all comments outlined above. Motion Carried. Un. Approval.

Ken Howard with Bankson Engineers stated that Rhonda needs an application for your Lot Consolidation Plan. Dave replied, I believe I sent that in. If I didn't, I apologize. I can definitely make that happen.

REMARKS FROM THE FLOOR

There were no remarks from any residents attending the meeting.

ADJOURNMENT was on a motion of Amy Trulik, seconded by Tim Gottus at 8:00 pm. Motion carried. Un. Approval.

APPROVED:

CHAIRMAN

SECRETARY