

BUFFALO TOWNSHIP PLANNING COMMISSION

REGULAR MONTHLY MEETING

FEBRUARY 1, 2017

The Regular Monthly of the Buffalo Township Planning Commission was called to order on Wednesday, February 1, 2017, at 7:30 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, Atty. Joe Charlton, Ken Howard, and Roger Kelly. Absent was Dave Koedel, who emailed.

APPROVAL OF THE MINUTES

On motion of Grant McConnell, seconded by Donna Davis, to approve the minutes of the January 4, 2017, Regular Monthly Meeting of the Planning Commission as recorded. Motion Carried. Un. Approval.

REVIEW OF COMPREHENSIVE PLAN

Ray Smetana stated this is the meeting that we review our Comprehensive Plan. The whole Comprehensive Plan needs to be redone. He asked for any questions or suggestions.

S. A. LITI – LOT LINE REVISION – SUNSET DRIVE

Sylvia A. Liti is proposing a lot line revision on her property located on Sunset Drive. Revised Lot #1 will be a total of 1.614 acres; revised Lot #2 will be a new total of 4.887 acres.

The township office has received Copy of Plan, Filing Fee, Twp. Engineer comments (see fax dated 2/1/17), and Municipal Authority comments (The existing dwelling on the original parcel, 040-SC-AC, does not have public water or sewer and would not be required to tap in to either public water or sewer. Public water does exist within the vicinity of this lot revision. Public sewer does exist; however, the main line ends south of the middle of parcel 040-S2-YYA as per letter dated 1/27/17).

Ken Howard stated we have two minor comments. It appears that Parcel 040-S2-AC is an existing non-conforming parcel, with no road frontage; however, combining said parcel with Parcel 040-S2-ACA will remedy said situation. All proposed connections to public sanitary sewer shall be in conformance with Buffalo Township Municipal Authority and PA DEP sewage facilities planning module requirements. The Plan that Stan Graff prepared is adequate. We recommend that you could approve this lot line revision. No new lots are being created.

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On motion of Grant McConnell, seconded by Donna Davis, to make a favorable recommendation of the S. A. Liti Lot Line Revision on Sunset Drive to the Board of Supervisors. Motion Carried. Un. Approval.

B. PAVLINA PLAN – SUBDIVISION – PARKER ROAD

Bradley R. & Kristen B. Pavlina are proposing a subdivision of remnant Lot #13 of the C. O. Frampton Plan. Proposed Lot #15 will be a new total of 13.630 acres; the revised remnant Lot #13 will be 13.622 acres. The number of new lots created within any parent tract existing in separate ownership on the date of adoption of zoning amendments of December 8, 2004, shall not exceed the number in Table 401A. Separate ownership shall be determined according to the Butler County Assessment Office lot and block records. Regardless of actual party of ownership, a property shall be regarded as existing in number. Subsequent or additional subdivisions of lots previously subdivided shall also be limited, based upon the original parcel size in separate ownership at the time of adoption. New lots or residual portion of parent tracts must minimum lot size standard for the district.

The township office has received Copy of Plan, Filing Fee, Twp. Engineer comments (See fax dated 2/1/17), and Municipal Authority comments (The Municipal Authority of Buffalo Township does have sanitary sewer and water service within the vicinity of the above referenced plan as per letter dated 1/27/17).

Ken Howard stated we have two minor comments. Confirm connections, of all proposed dwellings, to public water and sanitary sewer in conformance with Buffalo Township Municipal Authority and PA DEP Sewage Facilities Planning Module requirements. This Plan appears to create one new residential lot. The applicant shall comply with open space requirements or pay fee in lieu of. Ray Smetana stated this will be subject to the \$1500 fee in lieu of. Atty. Charlton stated they can choose to either redo the Plan and have open space or pay the \$1500 fee in lieu of. Brad Pavlina asked about the Planning Module Exemption. Ken Howard stated you will either have to get the exemption or do a Planning Module.

On motion of Grant McConnell, seconded by John Zurisko, to make a favorable recommendation of the B. Pavlina Subdivision on Parker Road to the Board of Supervisors contingent on DEP approval of the Planning Module Exemption. Motion Carried. Un. Approval.

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JOSEPH E. AND LINDA A. VAROS – CONDITIONAL USE – FLEMING ROAD

Joseph E. and Linda A. Varos, Fleming Road, are applying for a conditional use for a wireless telecommunication tower.

The township office has received the Conditional Use Application, Twp. Engineers comments (see letter dated 2/1/17), and Municipal Authority comments (The Municipal Authority of Buffalo Township does not have sanitary sewer or water service in the vicinity of this project. Additionally, there are no comments regarding the application for the conditional use as per letter dated 1/27/17). The Filing Fee was paid this evening.

Ken Howard stated we have a lengthy comment letter which deal with the Conditional Use Standards from Section 303 of the Township Zoning Ordinance #121. They are making a valid request for a Conditional Use Hearing; we will determine if they meet your Township Ordinance when the Site Plan is submitted. Our review is preliminary; we recommend that you could forward this to the Supervisors. Donna Davis asked will this be lighted. The Representative answered yes. Ken Howard state one other item received from the Developer is we were asked to comment on the projects potential effects on historic properties. We forwarded said information to our historic resource consultant for review. Their review finds that there are no previously recorded above ground historic resources within ¼ mile of the tower, according to state databases; however, it is suggest that Township Officials comment on any known historic structures that may be significant on a local level. Atty. Charlton stated you are just reviewing for a conditional use; you can send a note to the Supervisors stating conditions. You are not required to do that. They will need to come back for Site Plan Approval if they get approval for the Conditional Use. Donna Davis asked are you going to improve the road? The Representative answered I am not aware of any improvements that are required. Ken Howard stated you will need to follow our Ordinance in regard to that road. John Haven asked will this cell tower be available for the antennae for the new 911 System? The Representative attending the meeting answered STC owns the tower. Once it is built we will not be involved. That company will be leasing it. John Haven stated we will need three new towers for the radio system.

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

THOMPSON PLAN OF LOTS NO. 2 – SUBDIVISION – EKASTOWN ROAD

Frank L. & Leda M. Thompson are proposing a subdivision of their property located on Ekastown Road. This Plan was approved with a contingency by the Board of Supervisors. The information was resubmitted to the DEP on 1/26/17. Mr. & Mrs. Thompson are submitting their Plan to be reapproved.

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The township office has received Copy of Plan, Filing Fee, Butler County Planning Commission comments (BCPC did not have any comments on this Plan as per letter dated 9/13/16), Township Engineer comments (see fax dated 10/5/16), and Municipal Authority comments.

Ken Howard explained that this Plan was previously approved contingent on DEP approval of the Planning Module. The 90 day window has expired. The information was resubmitted to the DEP on 1/26/17.

On motion of Grant McConnell, seconded by Chris Foust, to make a favorable recommendation of the Thompson Plan of Lots No. 2 Subdivision on Ekastown Road contingent on DEP approval of the Planning Module. Motion Carried. Un. Approval.

TWIN OAKS – PRD NO. 1 PHASE 1 LAND DEVELOPMENT AND SUBDIVISION

On motion of Grant McConnell, seconded by John Zurisko, to remove the Twin Oaks PRD #1 Phase 1 Land Development and Subdivision from the table of January 4, 2017. Motion Carried. Un. Approval.

Lennon, Smith, Souleret Engineering, Inc. is submitting the Twin Oaks PRD 1, Phase 1 Land Development and Subdivision on behalf of the John Allen Jr. Family Trust. The Plot Plan is included as supplemental information and shows the entire project area of PRD Nos. 1, 2, and 3. While Phases Phases 2 and 3 of PRD No. 1 are not a formal part of this submittal, they are providing the information so the township can see how all three PRD's are integrated.

The township office has received Copy of Plan, Stormwater Management Report, Erosion & Sedimentation Control Narrative, Plan, and Details, Twp. Engineer comments (see letter dated 2/1/17), and Municipal Authority comments (see letter dated 1/4/17). The Resolution for the Planning Module was adopted by the Supervisors at their 12/14/16 Regular Monthly Meeting and was given to Mr. Allen to submit to DEP.

Ken Howard stated we had a good meeting with Mr. Victor and the designers on Jan. 17. We received drawings but did not have time to do a comprehensive review of everything. There are a couple of outstanding items that we would like to talk to the Developer about the 12 foot wall at the edge of the right of way. We are definitely opposed to that. There are quite a few other items in our letter dated 2/1/17 that we haven't been able to review. They are requesting modification of two items. The first is the radius of the curve coming in the entrance. We support that modification. The second modification is a request not to fence their Rain Garden. Our Ordinance is pretty clear if you are going to retain water there has to be an eight foot high fence. We have talked to the designers about having under drains and valves. We have had problems with other stormwater facilities. We haven't had

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enough time to do a comprehensive review. You haven't submitted anything to DEP for your NPDES Permit. Steven Victor stated that has been recently submitted. Ken Howard stated we didn't have the ten days to review this submittal. We recommend that you table this again. Our Ordinance is pretty clear that you need to have 3 – 1 slopes or 2 – 1 slopes with your Engineer's Design. There are also things that we wanted removed from your Plan that haven't been. Steven Victor stated we asked our Engineer to remove those items; they will be removed. Donna Davis asked should we table this? Ray Smetana answered there are a number of questions; I would think it should be tabled. Donna Davis commented on the time. Atty. Charlton stated they will need to request an extension. You will not be able to move this on tonight. Steven Victor stated the Rain Garden in Phase III doesn't function until Phase III. We will be putting an under drain in it. The maximum depth will be two feet deep. This is not a high hazard area that would need an eight foot high fence around it. There will be water diverted to it. The water will be diverted in Phase III. He explained how it will work. There is no need to build an eight foot high fence around a facility that will hold water for 72 hours. Ken Howard stated they are calling it two feet; we haven't really seen the design or details. Steven Victor stated we can remove it make it part of Phase III. Atty. Charlton stated commented on the modification. Ken Howard explained the issue is the stormwater management design is everything is in one package; their design doesn't meet the requirements if they don't have that in. Atty. Charlton stated the fence is a safety issue. Ray Smetana stated the only thing that I would hesitate is if we approve it now with the idea that it isn't going to hold water. When it comes down to Phase II or III, we will need to talk about further. Steven Victor asked do you think that Ken Howard is going to forget about that? Atty. Charlton stated you will need to ask the Supervisors for the modification. Steven Victor stated if you need us to add information for next month, let us know now and we will have that for you. If you are adamantly against it whether we have six inches of water or two feet of water there and you want the fence, we will put the fence. Ray Smetana stated I would like to see the fence. Ken Howard stated if we don't adhere to that part of our Ordinance, in the future other Developers can challenge us. That is a risk you take if a modification is granted for that part of the Ordinance. Atty. Charlton stated you could make a distinction by saying that is a functional Rain Garden. Donna Davis asked would we have the option to have it fenced in later? Atty. Charlton answered absolutely. Grant McConnell asked can you grade that now and not hook it up? Steven Victor answered yes. We could grade 99 percent of it and it would not hold water. The area is 100 x 150 approx. 1/3 of an acre. Ken Howard explained how the Rain Garden is built and how it works. Donna Davis commented on the DEP Guidelines for Stormwater. Ken Howard explained their stormwater calculations for the whole project is based on that Rain Garden. Ray Smetana asked Ken Howard if it would work if we request from them when we get to that Phase that we revisit this? We are not there yet where it will become a functioning unit. Donna Davis stated the issue is he said there will be water in it. Steven Victor explained we can construct this and breach the dam and it will never hold water until we come back for Phase III. Ken Howard stated the design drawings will need to

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show that. Atty. Charlton stated you will need to show the design not holding water until Phase III. Ken Howard stated it is up to them how they want to present it. Steven Victor stated we will remove the dam. You won't see it next month. It will be on our NPDES Permit. In Phase III that becomes our Rain Garden. Donna Davis stated we will need an extension. Steven Victor agreed to a 30 day extension and will have a written one emailed on Monday.

John Allen thanked everyone for the time involved in discussing this Plan. I would ask how we can expedite this project? We had a joint meeting and I thought that all of the issues were resolved. I have been paying bill after bill for this project. How can we expedite this project and have all of the issues addressed? Ken Howard answered we tried very hard to work with your Engineer; your Engineer hasn't given us what they told us they were going to give us. Some of those items aren't there yet. Steven Victor stated there are two items that are outstanding. One is the wall that is still showing; I assure you that is gone. Number two is the Rain Garden; the Rain Garden is gone. There are 30 items on your review letter that say have not yet been reviewed. When can we expect your Engineer to review these items? Ken Howard answered it will be another week or ten days. Another issue is the rock sumps in the back of the houses. Your Engineer was to move the sumps. We didn't see the design of the collection system and explained what is needed. Steven Victor stated that is another issue. John Allen commented and asked are there any other issues? Ray Smetana stated I was at the meeting when those baskets were discussed and nothing has been done with them. John Allen stated we made the proper changes; we got the changes to Bankson Engineers by the 20th; we feel that was sufficient time. Ken Howard commented. John Haven stated first of all I want you to understand that Buffalo Township is designated by DEP as MS4. It is the highest, most stringent stormwater system. We are not playing games with you. We can't cut any corners or make any exceptions. We are not the only people that Bankson Engineers has to review. You can't give Ken a plan for three days and expect them to have it all done. I am enraged by what you said that Ken is not having this done in time. John Allen stated I never said that. Don't accuse me of anything. John Haven stated you were talking about the Rain Garden; that was a long discussion. Let us follow procedure. Steven Victor stated we are asking for no shortcuts for the MS4. John Haven stated I didn't say that you did. John Allen stated you said you were enraged by my comments. This is being recorded and that is what you said. Don't accuse me of things that I did not say. Steven Victor stated there is nothing in the DEP Manual that says you have to have anything let alone an eight foot fence. That is the only point of discussion we have had. That is your Ordinance not DEP's. John Haven stated we are a MS4 Township. Steven Victor stated your Ordinance that covers fences has nothing to do with MS4. John Haven stated it is a stormwater pond and it is for safety. Steven Victor stated that is your policy not the DEP Policy. John Haven stated I didn't say it was the DEP Policy. We have to follow the MS4; it is for safety. Steven Victor stated there are a lot of communities that are MS4 that do not have fences and they are fully compliant with DEP. John Haven stated as I said

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before it is for safety. Steven Victor stated we would like to keep this moving; we will do our best to have everything in order. Steven Victor stated we will have our request for the extension in writing on Monday.

On motion of Grant McConnell, seconded by John Zurisko, to table the Twin Oaks PRD No. 1 Phase I Land Development and Subdivision contingent on receiving the written letter requesting a 30 day extension. Motion Carried. Un. Approval.

REMARKS FROM THE FLOOR

Jim Jackson, Parker Road, asked about building houses that are not level in the back and not having steps? Atty. Charlton answered that is not part of our Ordinance; those would be Code Requirements. Jim Jackson stated Rain Gardens sound like a temporary swamp. Donna Davis explained. John Haven stated we have four developments in our township that the stormwater retention ponds are not working. Ken has been out to each one three or four times. Jim Jackson stated they are a haven for mosquitoes; you are putting them into housing plans.

Mr. Kirkland stated I am subdividing and selling property on Cole Road and asked can I use a right of way from the middle lot to the back lot? Ray Smetana answered each lot has to have ownership of property to a township or state road. Atty. Charlton explained both lots need to have access to Cole Road.

ADJOURNMENT

There being no further business, it was on motion of John Zurisko, seconded by Grant McConnell, to adjourn this Meeting. Motion Carried. Un. Approval. Adjournment at 8:40 p.m.

APPROVED:

CHAIRMAN

SECRETARY