

**BUFFALO TOWNSHIP PLANNING COMMISSION – REGULAR MONTHLY MEETING – FEBRUARY 5, 2020**

The Regular Monthly Meeting of the Buffalo Township Planning Commission was held Wednesday, February 5, 2020 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 January 2, 2020 Reorganization/Regular Monthly Meeting of the Buffalo Township Planning Commission, as recorded, was on motion of Sue Gregory, seconded by Tim Gottus. Motion Carried. Un. Approval.

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**LAND DEVELOPMENT**

**4-D MOBILE HOME VILLAGE PLAN REVISION NO. 2 – 617 PARKER ROAD – LOT LINE REVISION**

The proposed lot line is between an existing residential lot and 4-D Mobile Home Village. Both parcels are owned by James R. & Diane F. Lee. The Mobile Home Parcel has access via easements from both Parker Road and Eastown Road, and the existing residential parcel fronts on Parker Road. The proposed lot line revision would convey approximately 0.8± acres from 4-D Mobil Home Village to the residential lot. No new lots will be created. Public sewage is currently available to both lots.

The Township office is in receipt of the filing fee, application, 5 copies for the plan, Butler County Planning Commission comment letter received 12/5/2019; the BCPC did not have any comments on this plan. The Municipal Authority comment letter received 1/14/2020; the Municipal Authority currently serves public sewage to both of the lots defined in the 4-D Mobile Home Village Plan Revision Number 2. If the owner desires to extend or install an additional sewer service as a result of the revision he is encouraged to contact the Authority. Bankson Engineer comment letter received 1/30/20;  
**SUBDIVISION:** Section 202.1: Each lot proposed for approval must abut a public road by at least a twenty-five (25) foot wide strip which remains at least twenty-five feet wide the whole distance to the frontage of the proposed lot. The residual area parcel does not include a twenty-five foot wide strip of frontage on a public road. Section 303.11: The minimum road right of way width shall be labeled and denoted to be dedicated to allow twenty-five feet of right of way front the center line of the public roads. Section 402: Monuments and markers marking property lines shall be denoted on the Plan.

**BUFFALO TOWNSHIP PLANNING COMMISSION – REGULAR MONTHLY MEETING – FEBRUARY 5, 2020**

**ZONING:** Section 201: The zoning summary chart on the Plan shall be revised to reflect rear yard depth as twenty feet minimum, not forty feet. The newly created property lines on the Plan appear to be closer than twenty feet to existing buildings. Please add the setback lines to the drawing and revise new lot lines to conform with current set back requirements. Based on the deficiencies outlined, we recommend that Approval of the subject Plan should not be granted until all comments and outstanding issues are sufficiently resolved.

James Lee, Parker Road and owner of the property was in attendance and brought revised drawings that covered all of the changes that Bankson Engineers were requesting before approval except for one. He did however ask for permission to keep the setback lines as is due to how the trailer on the property was positioned and that the trailer had been there for many, many years. Mr. Lee asked, since the property has been there for so long, would this be considered grandfathered in? The sewer lines were also discussed. Ken Howard stated that the property lines are to be twenty feet, but the newly created property lines appear to be closer than twenty feet to the existing buildings. This is a unique circumstance, and this could possibly be a modification. Atty. Charlton suggested that Mr. Lee could at this time make an oral request for a modification with that condition to the Planning Commission Board for a modification and follow up with a written modification letter to the Board of Supervisors as long as the maps are updated for next Wednesdays Supervisor Meeting and a letter is presented for the oral request at that time. The Supervisors could then put a condition on there that if the structure is ever moved or changed in anyway then the new structure would have to be compliant.

On a motion of Chris Foust, seconded by Sue Gregory to pass the 4-D Mobil Home Village Plan Revision No. 2 Lot Line Revision along to the Supervisors pending written request from Mr. James Lee regarding a modification of Lot Line. Motion Carried. Un. Approval.

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**J. P. KOVALCIK PLAN – CHESTERFIELD DRIVE – LOT LINE REVISION/CONSOLIDATION**

Jarid & Lindsey Kovalcik are proposing to consolidate lot 2 which is 0.781± acres & lot 3 which is 0.758± acres of the Rummel Plan along Chesterfield Drive. They are proposing to consolidate these two lots making one lot totaling 1.539± acres. Public water and sewage are available to this property.

The Township office is in receipt of the filing fee, application, 5 copies of plan, Butler County Planning Commission Comment letter received 1/22/20; the BCPC did not have any comments on this plan. The Municipal Authority comment letter received 1/24/20; Public water and sewage are available to this property. Public water abuts the frontage of the property while sewage is available along the southeastern corner of the lot. Please note that tapping fee rates have changed, effective January 1, 2020. Bankson Engineer comment letter received 1/30/20; **SUBDIVISION:** 402: Monuments and markers marking property lines shall be denoted on the plan. The plan appears to contain the appropriate data as required by applicable ordinances. Our office would recommend approval of the subject Plan. Revised plan received from Graff Surveying 1/31/2020.

Stan Graff was in attendance regarding this plan. Ken Howard stated that we have received the revised plan and all of the changes that were specified in our comment letter have been satisfied. We recommend approval as presented.

**BUFFALO TOWNSHIP PLANNING COMMISSION – REGULAR MONTHLY MEETING – FEBRUARY 5, 2020**

On a motion of Tim Gottus, seconded by Sue Gregory to make a favorable recommendation of the J.P. Kovalcik Plan, Lot Line Revision/Consolidation. Motion Carried. Un. Approval.

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**NESSELROAD – 229 HOWES RUN ROAD – CONDITIONAL USE**

Perry & Christine Nesselroad are proposing a Conditional Use of an existing single-family residence on property located at 229 Howes Run Road. The property is a total of 1.30± acres and is currently zoned B-2, Central Business District and is in the A-2 Access Management Overlay. The purpose of this Conditional Use is to allow a single-family residence in a B-2, Business District. The property is presently not being used. The proposed use would be their primary residence.

The Township office is in receipt of the Application, Filing Fee, Legal Description of Property, Map/Maps showing location of property, List of property owners within 300'. The Municipal Authority comment letter received 1/24/2020; Public water and sewage are not available to this property. Bankson Engineer comment letter received 1/30/2020; The site is located in the B-2, Central Business District and the A-2, Access Management Overlay District. Single Family Dwelling is a Conditional Use in said Business District. The Conditional Use Standards, from the Zoning Ordinance, are as follows: **Section 324 Dwellings in Business Districts:** The purpose of this Conditional Use is to allow a single-family residence or a multiple-family residence in a B-1 or B-2 Business District. If a conversion of an existing business structure, the dwelling shall meet all standards for a conversion apartment under Section 322. The dwelling shall also be separated from any clearly commercial areas in a mixed-use building. It appears that the existing residence is situated on a 1.30-acre tract identified as Tax Parcel 040-1F90-A13DA which has frontage on Howes Run Road. Our office recommends approval of the subject Application through Conditional Use procedure.

Mr. & Mrs. Nesselroad were in attendance regarding their newly purchased property. Mr. Nesselroad shared some information regarding the property and its former use and stated that he and his wife would like to turn it back into a house that they can use as their primary residence and possibly someday use it as a Bed and Breakfast as well as a possible Wedding Venue down the road. Mr. Nesselroad stated that he attended a meeting a month or so ago and it was suggested that they get a Conditional Use Application and come back to a Planning Commission Meeting to present their request. Ken Howard stated that the house is located in the B-2 Central Business District and is also in the A-2 Access Management Overlay. We recommend approval through the Conditional Use procedure. Atty. Charlton asked, if this is a house, why do you have to have a Conditional Use? Mr. Nesselroad and Ken Howard explained. Atty. Charlton stated technically you will have to go through the Conditional Use process to get this back to a residence. Grant McConnell stated that prior to the former owner the house was used as a residence for 40-50 years. Atty. Charlton asked if there was an official change of that? Mr. Nesselroad explained. Atty. Charlton stated the cleanest way to approach this would be going through the Conditional Use process. If someone would be living there now, then it would be a nonconforming use.

On a motion of Tim Gottus, seconded by Chris Foust to move the Nesselroad Conditional Use Application onto the Supervisors to set Conditional Use Hearing Date and Time. Motion Carried on a Roll Call Vote.

**BUFFALO TOWNSHIP PLANNING COMMISSION – REGULAR MONTHLY MEETING – FEBRUARY 5, 2020**

**Roll Call Vote:**

Grant McConnell:    yes    Chris Foust:    yes    Sue Gregory:    yes  
Amy Trulik:        Abstain        Tim Gottus:    yes

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**TWIN OAKS PRD NO. 1 PHASE 2 – REVISED FINAL SITE/SUBDIVISION PLAN**

Lennon, Smith, Souleret Engineering Inc. is submitting the proposed Twin Oaks PRD No. 1 Phase 2 Revised Final Site/Subdivision Plan located on 44 acres on the eastern side of Hepler Road in Buffalo Township, Butler County, PA. The Tentative PRD approval was granted in 2016 for 98 single-family homes (AKA Rolling Ridge). In 2017, Phase One was granted Final approval and construction was initiated. The Tentative Approval called for 37 lots in Phase One, 21 lots in Phase 2 and 40 lots in Phase 3. Due to the rate of lot sales, the developer will be constructing the original Phase Three as the new Phase Two. The prior Phase Two will now become Phase 3. The basic layout of the lots and number of lots for Phase 2 formally Phase 3 has not changed. The PRD Site Data Chart has been updated with the new phasing. The cumulative density and percentage of open space still falls in the allowable PRD standards.

The Township office is in receipt of the Application (submission from April 29, 2019), Filing Fee (submission from April 29, 2019), 5 copies for Revised Plan, Butler County Planning Commission comments (submission from 5/16/19). The Municipal Authority comments received 1/24/20; Plans were previously submitted to the Authority for construction of water and sewage and were approved on November 13, 2019. Although there appears to be no change, the Authority requests that the Developer resubmit construction plans for water and sewage if there has been a change. Otherwise, pending approval from the Township, the Developer will need to enter into a Developers Agreement for water and sewage prior to any work being done. Bankson Engineer comment letter received 1/30/2020; We are in receipt of a Land Development plan Application for the Twin Oaks PRD No. 1, Phase 2. These plans are submitted on behalf of the Applicant by Lennon, Smith, Souleret Engineering, Inc. on January 21, 2020. We have been requested to review these documents for conformance with the applicable portions of the Township Stormwater Management Ordinance, Ordinance No. 134, Zoning Ordinance, Ordinance No. 135, Subdivision and Land Development Ordinance, Ordinance No. 136, and Outdoor Lighting Ordinance, Ordinance No. 123. Phase 2 of the subject project was previously denied by the Buffalo Township Supervisors. The Applicant has revised and resubmitted the Plan Application Materials for Land Development Plan Approval consideration. Bankson Engineers, Inc. offers the following comments relative to the review of the most recent Plan Submission. **ZONING:** 409.8: *No building or zoning permit shall be issued until all acceptable wastewater, stormwater or erosion/sedimentation control permits have been obtained.* Bankson Engineers, Inc. understands the Pennsylvania Department of Environmental Protection intends to issue a determination, in writing, regarding the validity of the NPDES Construction Stormwater Discharge Permit, and whether any revision/modifications will be required as a result of the implementation of Corrective Action Plan NO. 3 and the construction of additional stormwater infrastructure. We recommend that the Township exercise its right to withhold all permits/land development approvals until the DEP NPDES determination is received. 516: *Permitted Density.* The Zoning Ordinance states that the number of dwelling units per gross acre for a PRD shall be determined by the permitted density of single-family dwellings in the residential district where the development is proposed. The parcel was originally zoned as R-1. The minimum lot area in the R-1 District is 20,000 square feet. Therefore, the permitted density is 2.178 dwellings per acre. The Applicant is proposing 2.4 dwelling units per acre. 519/521: *Common Open Space Maintenance or*

**BUFFALO TOWNSHIP PLANNING COMMISSION – REGULAR MONTHLY MEETING – FEBRUARY 5, 2020**

*Stormwater Management Facilities.* We recommend that the party responsible for the maintenance of the Common Open Spaces and the stormwater management facilities be clearly outlined in the Developer's Agreement, including street sweeping responsibilities. Additionally, it should be clearly demonstrated on the Plan Drawings where the Common Open Space will be located, and these areas shall be labeled as such. **SUBDIVISION:** 202.52: *Utilities, including size, capacity and location of sanitary sewers, drainage facilities, waterlines, gas mains and power lines.* These items should be shown on the Subdivision Drawing. 213.A: *Public Sites and Open Spaces:* Per the Municipalities Planning Code, Applicant is required to provide a dedication of land for recreational use or shall provide a fee in lieu of such dedication. 303.11: For the purposes of roadway horizontal alignment, the minimum radii of the centerline for local streets is not to be less than 200 feet. The Applicant is proposing the centerline radius of Red Horse Drive near Lot 203 to be 150 feet, which is not permissible per the Ordinance. Additionally, the Roadway Profile Drawing references a Blue Meadow drive, which is not indicated on the Plan Drawings. 304: *Blocks shall not ordinarily exceed one thousand (1,000) feet in length.* Red Horse Drive exceeds 1,000 feet. 405: For all improvements made to roadways to be owned by the Township now or in the future, the Applicant shall provide cost estimates and appropriate bonds necessary, per the Ordinance. 411: *Sight Triangle for Intersections:* We recommend that the Applicant should demonstrate that home construction on Lot 239 will not negatively impact the sight triangles and/or line of site on Twin Oaks Drive, per the Subdivision Ordinance. **STORMWATER MANAGEMENT:** *If diffused flow is proposed to be concentrated and discharged onto adjacent property, the Applicant must document that adequate downstream conveyance facilities exist to safely transport the concentrated discharge, or otherwise prove that no erosion, sedimentation, flooding, or other harm will result from the concentrated discharge.* 1. Applicant must provide written permission for proposed concentrated flow across adjacent properties if no existing drainage channel or watercourse exists. 2. Such stormwater flows shall be subject to the requirements of this ordinance. 501.A.2 & 5: *Consideration shall be given to the relationship of the subject property to the drainage pattern of the watershed. A concentrated discharge of stormwater to an adjacent property shall be within an existing watercourse or confined in an easement or returned to a pre-development flow type condition. The design of all stormwater management facilities shall incorporate sound engineering principles and practices. The Township shall reserve the right to disapprove a design that would result in the continuation or exacerbation of a documented adverse hydraulic condition with in a watershed, as identified in the plan.* Since February 2018, Buffalo Township has received numerous and ongoing complaints from adjacent landowners regarding concentrated stormwater runoff point source discharges flowing onto or through their properties, thus causing significant flooding and physical damage to structures and property. The Township has received complaints from Wayne Stack, and other adjoining property owners as recently as Saturday, January 25, 2020. Image provided in review letter. Buffalo Township recognizes that the Applicant attempted to remedy existing runoff issues (concentrated discharges onto neighboring properties) through the implementation of the Corrective Action Plan No. 3. However, the problem persists. We believe the actions of the Applicant during Phase 1 of the PRD to be in violation of the ordinance. Direct point source concentrated discharge of runoff onto an adjacent property must be contained within and easement. We recommend that the Township exercise its right to disapprove the design due to the fact that approval would result in the continuation of exacerbation of adverse conditions. Further, we recommend that approval of Twin Oaks PRD 1, Phase 2 should not be granted until the issue of concentrated discharges onto ALL adjoining properties is permanently resolved. 401.B: The Applicant should provide an Existing Resources and Site Analysis Plan, per the Ordinance. 305: Post-Development Discharge rate for the 25-year storm shall not exceed the 10-year pre-development discharge rate. The Post-Construction Discharge Rates for Drainage Area

**BUFFALO TOWNSHIP PLANNING COMMISSION – REGULAR MONTHLY MEETING – FEBRUARY 5, 2020**

2B do not meet this section of the Ordinance. 501.B.18: The 100-year water surface elevation in the Stormwater Management Pond is 1114.00, which is the crest elevation of the emergency spillway. The Stormwater Ordinance state that all outlet control structures shall be able to convey up to and including the 100-year design storm without discharging through the emergency spillway. The Applicant should verify/clarify that the outlet control structure is sufficient to meet the Ordinance. 201.B.22: The Storm Sewer Summary Report indicates storm sewer system surcharging (hydraulic grade line above the crown of the pipe) for numerous storm sewer segments under the 35-year design storm conditions, which is a violation of the Ordinance. 1. The Post-Construction Time of Concentration flow path for Drainage Areas 1A and 2A-2 are not representative of the watershed. Time of concentration flow path should not flow outside the Drainage Area; this is misleading. Drainage Area 1 A has the same Time of Concentration in pre-construction, which seems inaccurate. We recommend that Time of Concentration flow paths and calculations should be revised accordingly. 2. For Time of Concentration Calculation purposes, the Applicant indicates sheet flow to w 10 feet. The Stormwater Ordinance does not allow sheet flow distances to exceed 100 feet for Time of Concentration Calculation purposes. 3. The Ordinance states that 0.95 should be used as the runoff coefficient to represent impervious areas. For inlet analysis purposes, the Applicant used 0.90. We recommend that the runoff coefficient be revised for consistency with the Ordinance. 4. The two (2) storm water management reports, “Post-Construction Stormwater Management Report” (Green Book, revised 10/23/2019) and the “Stormwater Management Report” (Blue Book, revised 11/13/2019) do not display consistent discharge rate information for Drainage Area 1 D. 5. The “Stormwater Management Report” (Blue Book, revised 11/13/2019) references a Permanent Channel. The Applicant should demonstrate where this channel will be located on the Plan Drawings. 6. The Storm Sewer Summary Report indicates storm sewer systems discharging (hydraulic grade line above the crown of the pipe) for numerous storm sewer segments under the 25-year design storm conditions. **GENERAL:** 1. A Developers Agreement which lists the maintenance responsibilities, bonding requirements, and ownership of facilities is required. 2. Design of water and sewer systems must be reviewed and approved by the Buffalo Township Municipal Authority. Receipt of approval should be forwarded to the Township. Approval of the Sewage Facilities Planning Module exemption has already been provided to the Township. 3. A Final Inspection of all improvements will be required prior to issuance of the Occupancy Permit. 4. It appears that the proposed plan is in compliance with the Joint Municipal Comprehensive Plan. Based on the deficiencies outlined, we recommend that Approval of Twin Oaks PRD No. 1, Phase 2 should not be granted until all comments and outstanding stormwater runoff issues are sufficiently resolved.

Grant McConnell asked if there was anyone present regarding the Twin Oaks PRD No. 1, Phase 2? Ken Howard stated that there are many items that still need satisfied and that his recommendation would be to not grant approval until all comments and outstanding stormwater runoff issues are sufficiently resolved. Ken stated if they are not here to present their case then tabling it makes sense.

On a motion of Amy Trulik, seconded by Sue Gregory to table the Twin Oaks PRD No. 1, Phase 2 until all comments and outstanding stormwater runoff issues are sufficiently resolved per Bankson Engineer comment letter dated 1/30/20. Motion Carried. Un. Approval.

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**BUFFALO TOWNSHIP PLANNING COMMISSION – REGULAR MONTHLY MEETING – FEBRUARY 5, 2020**

**NEW BUSINESS**

**DISCUSSION REGARDING THE SCHEDULING OF DATES FOR WORKSHOPS**

Grant McConnell stated that this is primarily regarding making some changes to the Comprehensive Plan. Ken has been involved in hunting down a consultant for us because Rick Grossman is unavailable right now. Ken stated that we did have a gentleman that came in and spoke with the Supervisors in December. We are now waiting for Atty. Lutz to give us his input on this. It was a person that Rick Grossman recommended. Rick is having some health issues and he would love to be here but is unable at this time. Grant stated that another reason this is on the agenda tonight is that we went to the Supervisors about changing the time of the Planning Commission Meetings from 7:30 pm to 7:00 pm but since it was already advertised it was suggested that we advertise the change along with the workshop schedule to save on the fee for advertising. Unfortunately, we are not ready to commit to dates yet. Atty. Charlton stated that historically don't we hold the workshops an hour before the Planning Commission meetings? So, you could start thinking about this and maybe set them up next month. 6:00 for workshop and 7:00 for meeting. Grant replied so hopefully in the next month we should have a fair picture of this person and then we can nail it down.

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**REMARKS FROM THE FLOOR**

Candy and Tom Wygonik of Martin Road were in attendance regarding the setbacks at the property they are planning to build a home on at 322 Primrose Drive. We were told that the setbacks for the property were 33 ½ feet but when the contractor looked at the plans, he told us that it is 50 feet because the setbacks have changed. Then the surveyor told us it was 40 feet because that is what is on the original subdivision plans. We were told to keep it in line with the other dwellings around us. We can do the 40. Atty. Charlton stated that you would bring your plan in front of the Planning Commission as Land Development. Ken asked, what are you building? Candy replied, a single-family home. Ken replied she wouldn't have to come in front of the Planning Commission then. Ken asked if she had a copy of the original recorded plan that we could confirm if it does show 40-feet? Candy replied no. Ken requested that they obtain a copy of that original Primrose Plan and confirm that it is 40 and if it is 40, I know in our ordinance revisions last round we allow people to align within a 100 feet on either side. In the business district zoning but I am not sure if it is in the residential zoning. Atty. Charlton stated that you do not have to come back to a Planning Commission Meeting. You would just get the Building Permit Application Packet and turn it in to Rick and then he will contact the Atty's to get everything figured out.

Stan Graff asked questions regarding building lines on Engineering plans. Atty. Charlton explained.

Shawn Crossley was in attendance regarding a property along Ekastown Road that is Zoned R-2 Residential and his wife would like to purchase it to run a business out of it. The property has been on the market for 2 years. It is 217 Ekastown Road. Ken stated that it is also in the A-2 Access Management Overlay which promotes business in that area. Home occupation is permitted in that area. Shawn stated that it would be used as and outpatient private practice not as a residence. Ken stated

**BUFFALO TOWNSHIP PLANNING COMMISSION – REGULAR MONTHLY MEETING – FEBRUARY 5, 2020**

that as long as they go through the proper procedure and get it converted from a home into a home business.

**ADJOURMENT** was on a motion of Sue Gregory, seconded by Tim Gottus at 8:05 pm. Motion carried.  
Un. Approval.

**APPROVED:**

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**CHAIRMAN**

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**SECRETARY**