

BUFFALO TOWNSHIP PLANNING COMMISSION – REGULAR MONTHLY MEETING – FEBRUARY 6, 2019

The Regular Monthly Meeting of the Buffalo Township Planning Commission was held Wednesday, February 6, 2019 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, 2019 Reorganization/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.

LAND DEVELOPMENT

CURFMAN PLAN – 622 SARVER ROAD – SUBDIVISION PLAN NO. 4 -

G. Curfman is proposing to subdivide 2.7 acres of land which includes a house and lawn from the remainder 77.5± of this undeveloped property in A-1 Agricultural. This property is located at 622 Sarver Road. As a condition of subdivision plan approval, the existing house will be connected to public sewer at Sarver Road.

The Township office has received the Subdivision Plan, Subdivision Application, Subdivision Filing fee, Butler County Planning Commission comment letter dated 1/28/19, BCPC did not have any comments on this plan. The Municipal Authority comment letter dated 1/25/19, both public water & sewer exist within the vicinity of this property. Public water is currently furnished to this property and a point of connection for public sewage is available. Upon approval of this subdivision, the owner of this property must connect to public sewage within 90 days. A sewage tapping fee of \$3,100.00 is currently due. Contractor must install building sewer and lateral according to Authority specification and contact MABT for project coordination and inspection. Additional comments from MABT dated 2/5/19, Sewage service does not exist within the vicinity of the proposed 77.5± acres agriculture land tract. The main line, however; does end at the western foot of the property know as 629 Sarver Road. Any development of the land may require main line extension at the cost of the developer/land owner. Depending on the project and slope of the land, gravity flow may not be an option. A pumping station may be necessary at the cost of the developer/land owner. Currently, our system does have available EDU's, but availability is generally dependent upon the scope of the project. Bankson Engineers comment letter dated 2/4/19, Zoning: The Applicant shall list the Zoning class and requirements on the plan drawing. Zoning: The

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Applicant shall show all setback lines on the plan drawing. The Applicant shall submit for review lot closure report calculations for all applicable parcels. The Applicant shall provide a Form B waiver for the remainder of the farm, documenting that sanitary sewer service has not been provided or confirm sanitary sewer service is available. The Applicant shall confirm compliance with Section 401 of the Zoning Ordinance specifically that the number of lots and parent tract acreage requirements have been met. Subdivision: 213: The Applicant shall provide a dedication of required recreational land or provide a fee in lieu of. 303: The Applicant shall show a proposed dedication of 25 feet of right-of-way along Sarver Road.

A response letter was received from Mr. James Day on Monday, February 4, 2019 along with the revised plan. Mr. Day was present for the meeting. Ken Howard stated that most of Bankson Engineers comments have been satisfied. The outstanding question that we would have on this subdivision is with the dedication of land for recreational use or fee in lieu of for the parcel that is going to be created. Our Ordinance obligates the developer to dedicate land for recreation or pay a fee in lieu of when you create a new potential building lot that could be potentially be used for a new structure. We believe that this subdivision, since it will have a 77.5 ± acres remaining and that parcel that is being severed from that farm has a home on it, that the remaining acreage could be built on at some point in the future. Ken stated that he feels that the fee in lieu of would be an applicable item for this subdivision. Grant McConnell asked that the fee in lieu of amount is \$1500.00? Ken Howard answered that is correct. Grant asked if the fee in lieu has to be paid prior to approval and Ken answered yes. Ken stated that he would recommend approval as presented, contingent on the Municipal Authorities comment letters, Bankson Engineers comment letter and paying the applicable fees and going in front of the Supervisors next week for the approval. Atty. Charlton stated that they should send this on with the condition that they comply with the Municipal Authorities comments as well because there is a \$3,100.00 tap in fee but you also have the 77 acres that is in the vicinity but there is not a main line to the 77 acres. They would probably need an easement. Ken Howard stated if they so choose to develop that 77 acres, it is a vacant Agricultural parcel and used from what I understand and if according to the Municipal Authorities letter, if they choose to have the sewer service there someday the developer/owner will have to pay to extend the sewer line or build a facility to have service to that remaining acreage. I believe that they are asking that this home be connected to the water and sewer system. Atty. Charlton stated that the owner must connect to the sewage and pay the applicable fee. Ken stated all of these plus the fee in lieu of are all contingencies in order to be approved by the Supervisors.

On a motion of Tim Gottus, seconded by Sue Gregory to make a favorable recommendation of the Curfman Subdivision Plan No. 4 contingent upon the complying entirely with the Municipal Authority comment letters dated 1/25/19 and 2/5/19 and Bankson Engineers comment letter dated 2/4/19 and paying the Fee In Lieu Of. Motion Carried. Un. Approval.

Ken Howard stated the next question Mr. Day has would be regarding the 90-day connection of the sewer system and that would be applicable to once the Township Supervisors approve and that would be one of their conditions as well.

VILLAGE OF SARVER'S MILL PHASE V – SUBDIVISION – SITE PLAN -

The Sarver's Mill phase V plan consists of 13 single family lots and one designated amenity lot for a total of 14 lots. These lots are located along Hidden Cliff Road. All lots meet the required standard

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of the R-2 Zoning District as prescribed in the Zoning Code of Buffalo Township and are graded based on the Buffalo Township, Subdivision and Land Development Ordinance. The infrastructure will include approximately 454 linear feet of roadway and waterline. The sanitary sewer will be an extension of the existing sanitary sewer within the Sarver's Mill Phase II and Phase III.

The Township office has received the Subdivision Plan, Subdivision Application, Subdivision Filing Fee, Butler County Planning Commission Comments: On Agenda 2/20/19. The Municipal Authority comment letter dated 1/25/19, Public water & sewage exist within the vicinity of this project. Both water & sewer plans have been submitted for review and approval for this phase of development and are currently under review. Bankson Engineers comment letter dated 2/4/19, **Subdivision:** The Applicant shall submit for review closure reports to verify the accuracy and precision of the bearings and distances shown on the Subdivision Plan. A note shall be added to the Subdivision Plan drawing stating a revision to a previously recorded plan at Plan Book Volume 365. Pp. 44-45. The Applicant shall include a note stating that no obstructions are to be built within the snow removal easement area. Please also include dimensions and labels demonstrating compliance with the Ordinance. The Applicant shall provide descriptions of Parcels F, G, and E, and describe how access to these parcels will be achieved. All parcel lines shall include bearings and distances. The Applicant shall add a road name for the cul-de-sac shown as part of Phase V. Road name shall appear on all applicable plan drawings. **Stormwater Management:** Please clarify if and where Seepage Pits/Dry Wells will be used on Phase V of the project. The construction sequence and stormwater narrative reference their use; however, they are not shown on the drawings. Please add flow direction arrows to the time of concentration hydraulic pathways and label the top of the drainage area and the point of interests for all drainage basins. TR-55 Tc Worksheets included in the Appendix of the SWM Narrative for Drainage Area 1 show that the post-construction flow path is nearly 700 feet longer than the pre-construction path. This is causing the post-construction Tc to be longer than the pre-construction, even though significant grading has taken place and impervious additions have been installed. Please provide justification for the increase in Tc and clearly label hydraulic paths on the drawings. On page PCSM-10 of the Narrative, where volume calculations are displayed, a labeling system that differs from the TC calculations and the drawings is utilized. Is "Drainage Area B" the same as Drainage Area 2" as shown on the drawings? Please clarify. Additionally, please ensure that the acreages used in the calculations match what is shown on the drawings. 304: Please provide a summary table demonstrating that the post-development runoff volume was not increased compared to the 2-year, 24-hour pre-construction storm volume. 305: Please provide a summary table showing that all rate control provisions have been met for all design storms. Additionally, please provide pond reports for all design storms, not just the 1-year storm event. Please also demonstrate how the BMP/s associated with Phase V will comply with the Township's MS4 PRP Requirements for 10 percent sedimentation reduction. 501.B: On PCSM Drawing 4.1, please revise Detail Drawing 1 SW 4 and 9 SW 4 to include the following items: dimension lines, bottom elevations, top elevations, slope and invert elevations of the 18-inch culvert pipe, existing ground level, proposed ground level, rip rap sizing (depth, length, width, supporting calculations, etc.). The following items constitute a discrepancy between the drawings and the calculations provided in the Stormwater Management Narrative: The drawings demonstrate an 18-inch culvert leaving the Bio-Retention Area, and the calculations show the culvert to be 24-inches. Please revise drawings and/or calculations for consistency. The Basin Outlet Modification Detail shows a 2-foot by 4-foot Type M inlet at the top of the outlet control structure. This structure, when acting as a weir overflow, would have a crest length of 12-feet. The calculations show the Bio-Retention Area weir overflow to be 6.28 feet. Please revise the calculations to reflect an accurate weir length. The Bio-Retention Area Construction Detail shows

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vertical walls from the bottom of the pond, rising 4-feet, to be backfilled with lifts of crushed 2B stone and bio-retention soil mix. The pond report for the Bio-Retention Area shows increasing contour areas and increasing available volume from elevation 1034.00 to 1038.00 should be the same for each depth interval. 501.B.19: An emergency spillway is shown on PCSM Drawing 4.1. Please provide additional details showing that the emergency spillway fully complies with the requirements of the Ordinance. 501.B.20: Please demonstrate that the Bio-Retention area is in full compliance with the Ordinance. Anti-seep collars, cutoff and key trenching, a 10-footwide embankment, and appropriate soils for filling will be required. 501.B.22: Please demonstrate adequate capacity of the storm sewer network to convey the appropriate design storms (25-year). Additionally, please revise inlet spacing to comply with the Ordinance requirements. Please update the Detail Drawing, Sheet No. 7.1 to the current Buffalo Township Inlet Details, attached. **Erosion and Sedimentation Control:** On E&S Drawing 5.4A, side slopes of 2:1 are shown for the Sedimentation Basin. Slopes may not exceed 3:1. Please revise. The elevations shown on the Sedimentation Basin Detail (ES 5.4A) are significantly lower than the design elevations of the Bio-Retention Area shown on the PCSM drawings. Per the construction sequence, the Sedimentation Basin will be converted into the Bio-Retention Area following the completion of construction. Please provide additional information or clarification regarding the grading that is to take place in this area. **General Comments:** The Developer shall comply with Grading Ordinance, Ordinance Number 113, and obtain a Grading Permit. No cut or fill grade wall exceed a slope of 3:1 or thirty-three percent unless such cut or fill grade is approved by the Township Engineer; said approval to be made when the Township Engineer is satisfied that the proposed cut or fill grade shall not adversely impact the environment and shall not create a condition hazardous to the safety and welfare of Township residents or other persons. A soils report by a geotechnical engineer should be submitted to address the stability of any proposed slopes with a grade steeper than 3:1. 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 upon receipt. Documentation of Approval from Butler County Conservation District for Soil Erosion & Sedimentation Control, as well as Approval of and NPDES permitting modifications will be required. A Developer's Agreement which lists the maintenance responsibilities, bonding requirements and ownership of facilities will be required. Any and all permits, including by not limited to those shown below, shall be obtained prior to approval: Sanitary Sewage Facilities Planning Module and General Permit for Outfall Structures. It appears that the proposed plan is in compliance with the Joint Municipal Comprehensive Plan. A sign permit will be required for all signs. Please include a note in the development data stating that the plan is part of the R-2 Zoning District and that that plan was previously approved as a Planned Residential Development (PRD). A Final Inspection of all improvements will be required prior to issuance of the Occupancy Permit.

Bob Bednar, Developer with The Meritage Group stated that the development is selling really well right now. We are excited to be starting on this final phase. It was really a bummer that we hit the bad soils in between the two (2) developments because now that they are selling so quickly it reduces Phase V down to 13 lots. I went through and was looking at some old documents. This development was started in 2002 and I just want to give you a little background on this project. It started out with 256 lots and it will finish up at 137 lots. The density was almost reduced in half. One of the things was the recreation fee. We have been making adjustments to the recreation fee, it started out at \$128,000.00 based on the 256 units and every phase we have done we have corrected that number for the final remaining lots. My Engineer, Bryan Metzler with T3 Global Strategies can go over the comments and the response to the comments that we have done. Bryan Metzler stated that we have submitted the subdivision plan that you have copies of in January to the Township and Bankson

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Engineers. Since then, Ken Howard has reviewed the information. There were five (5) or so comments on the subdivision plan and the main thing that really happened, we showed an amenity lot as 509 on your plans and we have come up with and decided to do was make that a larger parcel E which actually encompasses an existing pond, the amenity and the whole neighborhood shown. That tract is just over 15 acres owned by the HOA and can be accessed from Hidden Cliff Road and Phase 4 from Creekside Drive. So, that tract is a recreation area for the neighborhood, existing pond and potential amenity spot. I feel we have addressed the comments on the Subdivision Plan. The other group of comments were on Stormwater and Erosion Control. This site is part of an individual permit that has been approved by the County Conservation District, Ian Harrell and he coordinated directly with the DEP and he is trying to decide if it even needs to go through that process, but we did send him a set of plans. We will definitely have that permit before any earth disturbance. We have It has been revised several times as Bob said since 2002. The plan has not revised any of the stormwater management and bioretention areas. We simply made sure our areas matched our numbers. We still have a few things that we need to work on and will have a revised set of plans to Bankson Engineers before the end of this week so that we can be here for the meeting next Wednesday. We are hoping to have the Municipal Authorities comments, BCPC comments and the Conservation Districts comments by next. Ken Howard stated that he believes that they will get the details to them before next Wednesday's meeting. They have taken care of many of the items on the revised plans that we received on 2/1/19. Ken stated that we would not feel bad about recommending approval contingent upon them meeting the requirements from the Municipal Authority, the Conservation District & DEP Permits. No work can begin until those are in hand. If they can get everything taken care of before next Wednesday's meeting, they could be approved on the Townships side except for the amending of the Developers Agreement and the recreation fee which will all need to go through Atty. Lutz' office. That will have to be part of the approvals too.

On a motion of Chris Foust, seconded by Amy Trulik to make a favorable recommendation of the Village of Sarver's Mill Phase V Subdivision contingent upon Municipal Authority review, Bankson Engineers comment letter dated 2/4/19, Butler County Planning Commission Review, Conservation Districts review, DEP Permits and amending of the Developers Agreement. Motion Carried. Un. Approval.

DISCUSSION REGARDING SOLAR PANEL ORDINANCE

Grant McConnell stated that we have been asked by the Board of Supervisors to consider a Solar Panel Ordinance. Everyone here was given a copy of the document tonight. That document was forwarded over to Atty. Charlton about a week or so ago. I think he has been able to look over this once and does have a few comments. So, I think what we would like to do is have everyone take a month and read through it and Atty. Charlton will compile all of his comments and everyone can forward their comments to him. Then we can vote on this next month once everyone is comfortable with it. Sue Gregory asked where this copy came from? Atty. Charlton stated that this is a copy that came from Atty. Lutz' office it is a draft from Butler Township. His associate Brian sent it down to me. I did review it. It is a standard Solar Wind and Alternative Energy Ordinance. There are a few items in there that I would like to address. Under A (1), where it says, "In order to insure safety to adjoining properties, all WECS shall require a zoning permit issued by the Zoning Officer after his review of proposed construction plans and operational data relative to the proposed WECS". I would recommend to Atty.

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Lutz and Brian to some sort of submittal process to the Engineers so that you are not responsible for approving and the Engineers can take a look at it. Ken stated that the wording should be strong enough that they would have to show structural detail. Atty. Charlton stated that this is just the introductory paragraph, and this is what you would have to do to pass. Section A (6), so we tie these WECS to not exceeding the performance standards of a Noise Ordinance. We do not have a Noise Ordinance in Buffalo Township. One of two recommendations I am going to make is to remove the data in subsection six or tie it to a stand-alone Nuisance Ordinance. I am trying to find out if we passed it during our revisions or not. Which would encompass the noise as well. The Noise Ordinance sets standards the Nuisance Ordinance is whether it is actually causing a nuisance to the neighbors. So, I am going to talk with Larry and Brian about either tying that to the standalone Nuisance Ordinance or removing the Noise Ordinance requirement there. Flip back to the last page subsection 10, where it says Nonconformance. Atty. Charlton read the section. He stated that Buffalo Township does not have “Special Exceptions”. We have a blank space for them. We really don’t use the “Special Exception” tool in our zoning. So, my thought was, and I will run this by Larry and Brian, is to tie it to a conditional use process where they can place conditions upon that. So, it is kind of taboo for a Lawyer to say Special Exception is the same as Conditional Use but technically speaking you go through the same process. So, I am going to see if we can change that too. Those were my comments and I will pass those on and if you would like to forward me any questions or comments, we can address those, and I can pass them along and we could vote on them at the next meeting. Matt Sweeny stated that we were discussing a fee of \$75.00. Atty. Charlton stated we may want to put a permit fee and the cost of the Engineering comments. Matt stated yes, that is what we were tossing around.

REMARKS FROM THE FLOOR

John Garvin, owner of vacant land located at 339 N. Pike Road asked about rezoning this property. It is zoned Agricultural right now and he is interested in putting in a retail sales business. The property abuts B-2 Central Business District. There was much discussion between, the Planning Commission, Atty. Charlton and Ken Howard with Bankson Engineers. It was suggested that he complete the Zoning Change Application and submit the information to the Township Office to be included on the Planning Commission Agenda for March 6, 2019.

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

APPROVED:

CHAIRMAN

SECRETARY