

**BUFFALO TOWNSHIP PLANNING COMMISSION – REGULAR MONTHLY MEETING VIA VIDEO  
CONFERENCE – MARCH 3, 2021**

The Regular Monthly Meeting of the Buffalo Township Planning Commission was held via Video Conference and called to order on March 3, 2021, at 7:00 p.m. by Chairman Grant McConnell. This Meeting is being recorded, if anyone is taping this Meeting, please state your name and address for the record.

**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 February 3, 2021 Regular Monthly Meeting of the Buffalo Township Planning Commission, as recorded, was on motion of Sue Gregory, seconded by Chris Foust. Motion Carried. Un. Approval.

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**LAND DEVELOPMENT**

**HILLIARD – 142 DOYLE ROAD – LOT LINE REVISION**

Jones Consultants is proposing a Lot Line Revision for property located at 142 Doyle Road. The proposed project is to add 0.50 acres to existing Lot 040-1F05-15A2 from a larger tract of land Lot 040-1F05-15A. The properties are owned by Dale Hilliard.

The Township office is in receipt of the Lot Line Revision Application, Filing Fee, Copies of the plan, Butler County Planning Commission comment letter received 2/18/2021; BCPC did not have any comments on this plan; Municipal Authority comment letter received 2/9/21; Public water and sewage service currently exist to both properties. The lot line revision request will not impact service; Bankson Engineer comment letter received 2/18/21; We recommend approval of the subject Lot Line Revision Plan may be granted at this time.

Ken Howard with Bankson Engineers stated that the plan as presented is in a form that we can accept. It does comply with the Ordinances. It is actually one of the best plans that we have seen come through the Planning Commission here. Ryan Jones really makes a nice map and we would like to commend him for this. We would recommend this plan be approved as presented. Dale Hilliard, property owner was present for this meeting.

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On a motion of Amy Trulik, seconded by Chris Foust to favorably recommend the Hilliard Lot Line Revision to be approved as presented. Motion Carried. Un. Approval.

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**HERITAGE CROSSING PLAN – SANDY RIDGE DRIVE - SIGNAGE**

Heritage Crossing Partners, LP is proposing a sign at the entrance to the Heritage Crossing Plan which will be located along Sandy Ridge Drive beside the Clubhouse.

The Township office is in receipt of the Sign Application, plans, Butler County Planning Commission comments; Municipal Authority comment letter received 2/9/21; The signage depicted in the plans appear to be at least 10 feet from the water and sewer mans, which is acceptable to the Authority; Bankson Engineer comment letter received 2/18/21; We recommend that Approval of the proposed sign for the subject project may be granted at this time.

Ken Howard with Bankson Engineers stated that they are purposing a brick pillar that would be on Sandy Ridge Drive once you come in past the Get Go it will be on the left-hand side and it will be set back 15 feet and it is a sign with approximately 15 feet of wording hanging off a brick pillar. It looks like and attractive sign and it does meet the requirements of our Ordinance so, I would recommend approval as presented. Brett Schultz with Heritage Crossings Partners LP representing the project was present. He stated that you mentioned the Butler County Planning Commission reviewed the plan in whole and the signs were noted on the plan. Atty. Charlton stated that this is not an impediment of approving the plan. Sue Gregory stated that the sign looks very attractive and asked if there will be signs along the right in, right out entrance as well. Brett stated no. We want people to access the development at the light a Get Go and onto Sandy Ridge Drive.

On a motion of Chris Foust, seconded by Amy Trulik to favorably recommend Heritage Crossing Plan Signage as presented. Motion Carried. Un Approval.

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**PROPOSED AMENDMENT #5 TO ZONING ORDINANCE #135**

Todd & April Nussbaumer along with their Counsel Benjamin B. Levine, Esq. and Benjamin Levine Law, LLC are proposing a Zoning Change of property located at 808 South Pike Road, Sarver, PA 16055. The 0.86 acres of property is presently Zoned R-2 Residential District and the proposed Zoning is B-1 Business District. The property is owned by Mary Costan and is currently vacant. The proposed use of the property would be a Plumbing Business.

The Township office is in receipt of the Petition for the Amendment for Zoning Change, Filing Fee, Deed of property still needed, Map showing location, List of property owners within 300', Butler County Planning Commission comment letter received 1/15/21; BCPC had no comments on this request. Municipal Authority comment letter received 2/18/21; Public water and sewer service exist to the current structure on this property. As noted in the Petition for Amendment of Zoning Ordinance, if the possible buyer intends to construct an additional building requiring public water and sewage service, the possible buyer must contact the Authority prior to construction. The possible buyer is advised that inspections and additional fees may apply; Bankson Engineer comment letter received 2/10/21; The property under

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consideration is currently located within the R-2 General Residential District. The Petitioner desires to have the subject property reclassified to B-1 Business District to accommodate a Plumbing Business Use. The Business District permits Service Shops, Personal Services, and similar type parcel occupations as Permitted Uses. Single Family Residential is a Conditional Use of the B-1 Business District. The subject parcel also exists within the A-2 Access Management Overlay Zoning District. Any present or future zoning classification of the parcel would be subject to the Standards of both the underlying classification and the A-2 Access Management Overlay. It should be noted that the current owner of the parcel is not the Petitioner. The current parcel owner is Mary Costan. It is understood that a contractual agreement is in place between the Owner and the Petitioner which establishes the Petitioner's interest in pursuing this Zoning Amendment. Should this Zoning Amendment be granted, the Petitioner and/or any current or future parcel owner shall comply with all applicable requirements of the Buffalo Township Zoning Ordinance for the B-1 Business District. The B-2 Central Business District abuts the subject property to the west. The R-2 General Residential District abuts the parcel to the north, south and east.

Grant McConnell stated that I believe this plan has been withdrawn. Is that correct? Atty. Charlton stated yes, so no motion needs to be taken.

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**SPC REALTY – ARBY'S RESTAURANT - PRELIMINARY SITE/LOT LINE CONSOLIDATION PLAN –**  
**704 SOUTH PIKE ROAD**

Removed from table. 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 locate 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. Consolidation of Tax Parcels 040-1F05-2D30 and 040-1F05-2D31 into a single lot for proposed redevelopment of the existing Citgo Gas Station.

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On a motion of Sue Gregory, seconded by Amy Trulik to remove the Proposed Arby's Restaurant Preliminary Site Plan & Lot Consolidation Plan from table. Motion Carried. Un. Approval.

The Township office is in receipt of the Site Plan/Lot Consolidation Application, the Site Plan/Lot Consolidation filing fee, Site/Lot Consolidation 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 Rules for Service at [www.buffaloauthority.org](http://www.buffaloauthority.org) or call the Authority office with questions, Bankson Engineer revised comments received 3/1/21;

**STORMWATER MANAGEMENT:** 501.B.18: The primary outlet structure shall be designed to pass all 24-hour design storms, (up to and including the 100-year event) without discharging through the emergency spillway. The 100-year water surface elevation, as shown in the stormwater calculations, exceeds the crest elevation of the emergency spillway. 1. The Stormwater Management Plan Report "Summary of Stormwater Management Calculations" shows a facility width of 6.33 feet. The facility width, as dimensioned on Sheet 4 is 4.5 feet. The notes on Sheet 4 indicate the width will be 6.33 feet. The "Pond Report" within the Stormwater Management Plan Report indicates the width will be 4.5 feet. 2. The facility height is shown to be 5.5 feet in the detail on Sheet 4. The "Pond Report" within the Stormwater Management Plan Report indicates the height will be 5 feet. 3. The stormwater facility drain pipe slope is shown as 12.4% on Sheet 4, however the "Pond Report" within the Stormwater Management Plan Report and Sheet 3 show a slope of 11.3%.

**GENERAL COMMENTS:** 1. Any and all permits including, but not limited to, those shown below shall be obtained prior to, or as a condition of Final Approval: a. Butler County Conservation District Approval of Soil Erosion and Sedimentation Control Plan. b. Township Grading Permit. c. Township Approval of all proposed signs. d. PennDOT Highway Occupancy Permit. e. Underground Storage Tank Removal Approval. We recommend that the Proposed Arby's Restaurant Site Plan & Lot Line Consolidation Plan(s) may be approved at this time. As a condition of approval, the Applicant should make all necessary revisions to the Applications and provide evidence of adequate resolution of all comments outlined above. We also recommend that any Township Approval be contingent upon receipt of all necessary third-party approvals and government permits, including but not limited to those shown above.

Ken Howard stated that we actually just received the hard copies a few hours ago from Dave Kalina where he has modified the last few items that we had in our letter regarding the Stormwater. So, we are satisfied that they have met your Ordinances and would recommend approval of this with the contingencies that they obtain the necessary permits for construction. We will be taking two actions on this, one for the Site Plan and one for the Lot Consolidation Plan. Dave Kalina was present.

On a motion of Chris Foust, seconded by Amy Trulik to favorably recommend the SPC Realty, Arby's Restaurant Final Site Plan contingent upon obtaining all necessary permits. Motion Carried. Un. Approval.

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On a motion of Sue Gregory , seconded by Chris Foust to favorably recommend the SPC Realty, Arby's Restaurant Lot Consolidation Plan contingent upon obtaining all necessary permits. Motion Carried. Un. Approval.

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**REMARKS FROM THE FLOOR**

Gabriel Poloski of 403 Sarver Road, Gabriel's Gardens stated that he is interested in renting 303 South Pike Road and putting a fruit stand at the location. The brick building is located next to the owner, Mark MacTaggart's office. Gabriel stated that in the future he would like to use the building for selling products. The property is zoned B-2. Atty. Charlton stated that retail sales is a permitted use in the B-1 Zoning District. Ken Howard also stated that it is a permitted use. Gabriel stated that they would like to put a temporary lean to roof on the building and at some point would like to remodel but not restructure the building. Ken Howard stated that they would need the proper permits if they would do any major remodeling and he is not sure if the structure is sound. Amy Trulik asked about signage and Gabriel replied that Mark told him he would have to put his sign where the MacTaggart sign is located now. Ken stated that he would have to follow all of the B-1 Zoning Ordinances.

Dave Kane of 107 Ingrid Court stated that he has property along Grimm Road. It is located around 164 Grimm Road. It was the old Barton Farm. One parcel is 11 acres and the other is 20 acres. It is Zoned A-1. Dave stated that he would like to know if he builds a pole barn with no living quarters will it hinder any future subdivision of either parcel. It would be 40' x 72' with electric and water but there would be no sewage to the building. It would be used for storage and washing his cars and things like that. It would only have a floor drain. Ken replied that is a question that you would have to ask the DEP. Grant asked if a plan that size would need Stormwater Management and Atty. Charlton answered he would think so. Ken Howard stated that anything over 500 square feet you would have to do a Stormwater Management Plan with rock sumps and pits for the roof water. As far as water service to an outbuilding, I hesitate to give you an answer on that. It would be a sewage management question and would be best to ask the DEP just to confirm. Ken replied that there is a fine line there in DEP's definition of sanitary waste if there are sinks and wash tubs which they could consider sanitary waste. They could say that you need and on lot septic or have to tap in to the sewer. Dave Kane stated that he will not be having any sinks, only will be water there to wash my car and boat. Atty. Charlton stated that I think what Ken is saying is that it is a fine line on their definition nothing that we have is regulating it on our end other than you have to comply with DEP. Tell them that you are only going to have a spicket there and see what they have to say. Dave Kane asked about lot line revisions and subdivisions after he puts up the pole barn? That is my main concern. Ken Howard stated that as long as you allow for the side yard setbacks. Dave replied that he has done that already. Grant McConnell asked, isn't there something about how many lots you can have? Ken replied yes we do depending on the size of the parcel it tells you how many lots you can have out of an Agricultural parcel. Dave stated that he spoke with Rhonda at the Township Office this property was to be the second phase of the Oaks Plan and she couldn't find anything. Ken stated that I do not believe that has ever been presented even as a Preliminary Plan to the Township. So, if you just follow the strict Agricultural designation and explained.

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There is another part of our Ordinance that dictates the maximum number of building lots you can take out of an agricultural parcel. TJ Stephens also with Bankson Engineers stated that he tracked it down, it is article 4 page 45 of the Zoning Ordinance and table 401 A. It has the regulations. I have an 11 acre and a 20 acre. It looks like you could get 5 out of each piece it looks like. Dave replied I am not going to be doing anything but just wanted to make sure there wouldn't be an issue when I put up this building.

Amanda Peterson, Stakeholder Relations Manager with PennEnergy Resources. I spoke with Rhonda the last couple of weeks regarding we are essentially looking into building a well pad in Buffalo Township and I have some questions regarding the A-2 Overlay district and the RA Districts that run along Ekastown Road, Sarver Road and South Pike Roads. In essence in the A-2 Overlay and RA district map I was wondering if it would still be a Conditional Use in any of those areas along Ekastown, Sarver or South Pike Road. Ken Howard answered that he believes she is correct in your reading of that part of the Ordinance and explained. You would have to follow the Oil and Gas Development regulations and it would be a Conditional Use. Amanda also had a question regarding the Freshwater impoundment. Would there be an option to request a Variance for freshwater impoundment on an undeveloped property if it is zoned R-2? Ken answered yes, it would still be under the Oil and Gas Development Regulations. Amanda stated that if we would be decide to move forward I will be coming back with Conditional Use Options. The Township Office has all my contact information.

Elise McVeigh of 407 Edgewood Drive stated that she is seeking to purchase a portion of the neighboring property at 409 Edgewood Drive owned by Ronald and Sydney Raymond which is directly across the street from my home and seem like it should be part of my property and possibly split the lot home is on to create an additional, buildable lot. My property has 3 separate parcels and 2 are very small. One is across the street from my home and it seems like it should be part of this property and the neighbors if we can come to an agreement with price are willing to sell it to me part of their lot and the other possible consideration, priority 2 would be to split my main lot into 2 parcels one being buildable. Ken Howard stated that the one that appears to be lot 1, that side of the roadway, is zoned C-1 or Conservation District and the minimum lot size in that area would be 4,000 square feet with 150 feet of frontage on the road. Elise stated that she does not want to build on that part of the property but to leave it as is because it goes down into the creek. Atty. Charlton asked if that shed in the drawing that Elise McVeigh submitted is hers? The garage is mine and almost looks like the shed is on my property. I want to expand lot one to make it larger. Ken stated then it would just be for an outbuilding to include the garage and shed. Ken stated that I am not sure about the acreage. It could be a buildable lot. Elise stated that she does not want to build on Lot 1 but Lot 3 is where she would like to make a buildable lot. Your surveyor would need to determine the acreage available and you would need 20,000 square feet for parcel 3 in the R-1 Zoning District. Ken asked Atty. Charlton his opinion about creating a non-buildable lot? Atty. Charlton stated that would be the lot line revision on Lot 1. Parcel 1, 2 and 3 are separate parcels. Ken stated it looks like a strip of land where your garage is and would be a lot line revision. Atty. Charlton asked that you are trying to make lot 3 a buildable lot so that would be a Subdivision. Elise replied she would have to run that by her surveyor to see if that would be enough property and if the frontage would be right based on where the mailbox is, the property line and the

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curve of the road. Atty. Charlton stated that it is going to be really close. Ken stated that you could possibly do a lot line revision between Lot 2 and Lot 3 and explained. If you have a surveyor and want to submit a preliminary sketch plan to us we can certainly work with him to give him some ideas.

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**ADJOURNMENT**

There being no further business, it was on motion of Sue Gregory, seconded by Chris Foust, to adjourn this Meeting at 7:45 pm. Motion Carried. Un. Approval.

**APPROVED:**

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**CHAIRMAN**

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**SECRETARY**