

BUFFALO TOWNSHIP PLANNING COMMISSION – REGULAR MONTHLY MEETING – MARCH 4, 2020

The Regular Monthly Meeting of the Buffalo Township Planning Commission was held Wednesday, March 4, 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 – Absent - emailed
Amy Trulik - Present
Tim Gottus – Absent - emailed
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 February 5, 2020 Regular Monthly Meeting of the Buffalo Township Planning Commission, as recorded, was on motion of Amy Trulik, seconded by Christ Foust. Motion Carried. Un. Approval.

LAND DEVELOPMENT

SARVER DOLLAR GENERAL – 339 N. PIKE ROAD – NEW PRELIMINARY/FINAL SITE PLAN

Sarver Dollar General Preliminary/Final Site Plan was tabled at the October 2, 2019 Meeting. Extension letter received November 6, 2019. Letter received December 23, 2019 regarding project termination.

PTV 1078, LLC is resubmitting a new proposal to construct the Sarver Dollar General Store located along N. Pike Road (SR 356) located in Buffalo Township, Butler County, PA. The site is currently meadow land cover and a small gravel driveway area. The site has no existing buildings. The proposed development includes the construction of a 9,100 square foot Dollar General retail store, access driveway from N. Pike Road, parking areas, drive aisles, stormwater management facility(s), onsite sanitary disposal system, and other associated site improvements. Because the area of disturbance is greater than one (1) acre, and application for a general NPDWES Stormwater Permit Authorizing the Discharge of Stormwater During Construction Activities will be submitted to the Butler County Conservation District and the Pennsylvania Department of Environmental Protection (PADEP).

The Township Office is in receipt of New Preliminary/Final Site Plan, Filing/Review Fee, Site Plan Application, BCPC Comments not received as of 3/4/2020. Municipal Authority Comments received 2/26/20; Public water and sewage are not available to this property. The

BUFFALO TOWNSHIP PLANNING COMMISSION – REGULAR MONTHLY MEETING – MARCH 4, 2020

developer would need to extend the existing facilities for public water and sewage at their expense. A cost estimate detailing the extensions was previously submitted. Bankson Engineer comment letter received 3/2/2020. **ZONING:** This site is located within the B-2, Central Business District, as well as the A-2 Access Management Overlay. The proposed use (Commercial – Retail Sales) is in accordance with the Permitted Uses of the B-2 Central Business District, per the Zoning Ordinance. Because the site location is within the A-2 Access Management Overlay, the Applicant must comply with the standards set forth within both zoning districts. The Applicant will NOT be required to obtain Conditional Use Approval prior to commencing activities on site. It appears as if the municipal boundary between Buffalo Township and Winfield Township bisects the proposed parcel to be developed. The Applicant shall provide evidence of all necessary Approvals obtained from Winfield Township including, but not limited to, appropriated Zoning classification to support the proposed use, Subdivision and Land Development Approval, Stormwater Management Approval, etc. 410: Signs: Applicant is required to submit all pertinent information regarding signage as part of the Land Development. All freestanding signs of greater than 32 square feet in area are considered Land Developments and shall meet the procedural requirements of such. 603.4.A.1: Applicant should demonstrate where the continuous service drive or cross-access corridor right-of-way shall be reserved. 1. We recommend that the Applicant should provide documentation of their legal interest to develop the land. **SUBDIVISION:** 303.10: The minimum right of way width in the area of development is 50 feet. The development drawings indicate the right-of-way width will only be 44 feet. 4-2: Monuments and Markers should be required as part of the Land Development. **STORMWATER MANAGEMENT:** 301.a.5: Adequate pollutant control measures as required by the latest DEP MS4 Pollution Reduction Plan Requirements must be demonstrated. The Post-Construction Stormwater Management Plan narrative stated that water quality management of Total Suspended Solids and Total Phosphorus is not applicable, which is not the case. 301.G: If diffused flow is proposed to be concentrated and discharged onto an adjacent property, the Applicant must document that adequate downstream conveyance facilities exist to safely transport the concentrated discharges. The Point-of Interest is shown at the Applicant's property line. We recommend that adequate downstream conveyance capacity calculations are required. An easement may also be required. 501.B.3: The minimum horizontal distance between any structure and any stormwater management facility shall be at least 25 feet. The horizontal distance shown to be 13 feet. 501.B9 & 10: Interior and exterior basin slope shall not exceed 3:1 slope. The proposed slopes are shown at 2:1. 501.B19.a: The top of the embankment elevation shall provide a minimum of 1 foot of freeboard above the maximum water surface elevation. This is to be calculated when the spillway functions for the 10-year post development flow, with a blocked outlet structure. The calculations do not demonstrated that the appropriate freeboard requirements have been met. 501.B21.c: Compaction test reports shall be kept on file at the site and be subject to review at all times, with copies being forwarded to the Township Engineer upon request. 501.B22.e: Drainage swales appear to be graded at 2:1 in some locations: swale side slopes steeper than 3:1 is a violation of the Ordinance. 1. Infiltration is being assumed as part of the Stormwater

BUFFALO TOWNSHIP PLANNING COMMISSION – REGULAR MONTHLY MEETING – MARCH 4, 2020

Management Plan for the Land Development. Infiltration testing revealed inconsistent results, and depth to bedrock should be considered in relation to the proposed grading plan. Additionally, the location of the test pits was outside the footprint of the stormwater BMP. The Applicant should confirm the validity of the infiltration assumption and conduct additional tests, as necessary. 2. The elevations shown in the Bioretention basin calculations are not consistent with those shown on the Drawings nor in the storm sewer summary calculations. **GENERAL:** 1. 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. An individual NPDES permit will be required for this site. b. Sanitary Sewage Facilities Planning Module and/or required permits for operation of an on-lot sanitary system. c. All required permits for the operation of a private well on the project site. D. General Permit for Out fall Structures e. Township Grading Permit f. Township Building Permit g. Township Occupancy Permit h. PennDOT Highway Occupancy 2. A Developer's Agreement which lists the maintenance responsibilities and ownership of facilities is required. A Stormwater Management Operations and Maintenance Agreement will also be required. 3. It appears that the proposed plan is in compliance with the Joint Municipal Agreement will also be required. 3. It appears that the proposed plan is in compliance with the Joint Municipal Comprehensive Plan. We recommend that the Sarver Dollar General Store Land Development should not be granted approval 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. Additionally, the Applicant shall obtain all required Winfield Township approvals and government permits.

Ethan Brice with Civil Environmental Consultants, Assistant Project Manager overseeing the Sarver Dollar General and Marc Seiavitch with PennTex Ventures were in attendance. Ethan stated that we presented a plan about 3-4 months ago. We presented a plan to the Planning Commission where we received comments from Bankson Engineers and during that time we looked at the design and we had some other options we are looking at for the Site Plan as far as the HOP. Some things have changed mainly was the stormwater management plan. The site plan has stayed the same. The number of parking, same access point. The only thing that has changed since the last time we were here is the location of the stormwater management facility and what we were trying to do, there is an environmental resource that we are trying to protect so we had to move out pond back as not to disturb it. We are looking at getting the DEP to approve the location of it. That is the biggest change since the last time we were here and now. The site plan and building have not changed. We do have the comment letter from Bankson Engineers. Ken Howard stated that we have a lengthy letter. We have taken a good hard look at the design they have submitted and the stormwater management report. There are quite a few comments with regard to stormwater management. We would want you to go back to the drawing board. Grant McConnell stated that it isn't necessary to go over everything at this point. Ken stated that the main points from our view are stormwater which needs to match the ordinance, secondly the cross connection for A-2 Access Management hasn't been addressed at all. We weren't quite sure what you

BUFFALO TOWNSHIP PLANNING COMMISSION – REGULAR MONTHLY MEETING – MARCH 4, 2020

were thinking with regard to that. Then the third biggest point would be the discharge point of your proposed stormwater management facility is within a few feet of a property line, just up against an adjoining landowner. Our ordinance is pretty clear, you need to get permission from the landowner or you will need to change the discharge point to have an easement that goes through his property with your water and we need you to look at that down stream channel to see if there is adequate conveyance ability and that you have permission for that. We would accept an easement from that landowner or some different design. The main things in our letter, I think you are going to have to go back to the drawing board. I would recommend that we not approve this tonight, that we table it and grant a time extension if necessary, depending how long it takes you to do your revisions and resubmittal and then we will review it again. Ethan stated that their intentions are to work with Bankson and make the appropriate adjustments and resubmit a revised plan set with responses to all his comments that hopefully address the concerns the township may have on these issues. Regarding the service drive or cross access corridor right of way connection. We have some question regarding that. Marc Seivavitch stated that we are hoping to get that requirement waived since we are between two residential properties. Given the fact that the property toward the north abuts a public road so I don't think the interconnectivity with that parcel would be of any issue or a waiver shouldn't be of any issue since they have safe access to a public road. The other property is to the south of our parcel as well. Ken stated that our tradition is that the people in this A-2 Access Overlay provide that cross connection somehow, somehow. Ethan asked even between residential properties? Atty. Charlton replied yes. Marc asked about the requirement for the cross access? Ken Howard and Atty. Charlton answered the questions. Marc asked about the agreement that needs to be in place? Atty. Charlton stated that it would be between you and the Township Solicitor. You would want to give them a call. Ken Howard suggested that the cross connection could be behind your building. Ethan pointed out the streams that surround the property which could cause issues with the cross connection from the property to the south and it may be an issue there. Ken stated that the township has never granted a waiver regarding this. Marc stated that this property is unique, and we were hoping that it would not be required for us. Ken stated that in my history we have never seen the township grant a waiver like this. I believe it could be done on your parcel and I know there are issues regarding spacing behind your building. Maybe you could move everything forward or something like that. You have plenty of space in the front of the sight and put the cross connection behind the building. Ken suggested many ideas as to how this cross connection could possibly be achieved. Ethan spoke regarding the property being in 2 different townships, Winfield and Buffalo. It is zoned in Buffalo Township. We are getting all kinds of conflicting information regarding this. We have representatives in Winfield Township tonight discussing the same issue. Marc stated that the deed that the property owner has states that it is in 2 different townships. The GIS Mapping shows the line right through the center of the parcel and the assessment office stated that it is completely assessed in Buffalo Township. We are trying to figure out what is correct. Ken stated that Atty. Lutz' office has looked into this and what we need to do to be the safest is stick to the county mapping which shows the parcel as being divided somewhere down the middle. In the past there was some kind of decision made where the families that lived on the

BUFFALO TOWNSHIP PLANNING COMMISSION – REGULAR MONTHLY MEETING – MARCH 4, 2020

southern side of Franklin Drive wanted their children to go to this school district because this is where they paid all their taxes. Ken asked Gary Risch if he knew anything about this? Gary replied I know that family on this side went to Freeport. Ken stated that most of your building is on the lower side of this township and shown on county maps. I think it would be prudent for you to get approval from both townships. This way there will be no question in the future. So, you will have to get an agreement of some sort from Winfield Township. Ethan stated that there is some conflicting information in Winfield Township's Ordinance. All of the We are leaning on Buffalo. Tonight, we are trying to seek deferment from Winfield to Buffalo. All of the information is stating that the township line is on Franklin Drive. Which makes sense because if you are going to establish a boundary it would most likely be along a driveway that is easily defined. I guess we will talk with Larry Lutz and see if he has any information on it and if no information then we will just follow the county line. Ken stated that he had pulled out some old tax maps and they show the parcel as split. Atty. Charlton stated that we will need to see what Winfield decides. Ken asked if their current design meets the Winfield Townships Ordinance? Marc asked about the tax assessment. If part of the property is in Winfield Township and the other in Buffalo Township and the taxes are being paid to Buffalo Township, what happens if Winfield decides that they want there share? Are we willing to do a split tax assessment? Atty. Charlton replied, I don't think that has anything to do with this. That would be a county issue. Marc replied that I know that Winfield collects taxes as well. Ken suggested to check through the historical records and see if there was any type of agreement in place regarding that issue made between the townships. Marc stated that we just do not want Winfield to file some type of injunction stopping us because they aren't getting their money. We a trying to be proactive so that there aren't any issues that come up down the road.

On a motion of Amy Trulik, seconded by Chris Foust to table Sarver Dollar General contingent upon resolving all comments outlined in Bankson Engineers review letter dated 3/2/2020 and submit for review again at next Planning Commission Meeting. Motion Carried. Un. Approval.

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

Tabled at February 5th, 2020 Meeting. Lennon, Smith, Souleret Engineering Inc. is submitting revisions to 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.

On a motion of Amy Trulik, seconded by Chris Foust to remove Twin Oaks PRD No. 1 Phase II that was tabled at the February 5, 2020 Planning Commission Meeting. Motion Carried. Un. Approval.

BUFFALO TOWNSHIP PLANNING COMMISSION – REGULAR MONTHLY MEETING – MARCH 4, 2020

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. The revised plans submitted January 2020 are missing pages 5 of 14 and 11 of 14, which outline sanitary sewer profiles and details. The Authority requests that the Developer resubmit construction plans for sanitary sewage if there has been a change. Otherwise, pending approval from the Township, the Developer will need to enter into a Developer's Agreement for water and sewage prior to construction. Bankson Engineer comment letter received 3/2/2020; 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 February 13, 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. In a review letter to the Buffalo Township Planning Commission dated January 30, 2020, Bankson Engineers, Inc. offers the following comments. The Lennon, Smith Souleret Engineering, Inc. responses to our original comments are shown, in bold, below. The current Bankson Engineers, Inc. comment is denoted as such: BEI Comment 2-28-20: **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. **LSSE Response, 2-12-2020: The PaDEP is currently reviewing the Corrective Action plan that was prepared to include changes requested b the Township Engineer and will provide the Township with correspondence from the DEO upon receipt. In accordance with the Pennsylvania Municipal Planning Code, Land Development shall not be withheld due to a third-party review. The Developer requests that Land Development Approval be issued conditional on the DEP third party review.** BEI Comment 2-28-2020: We recommend that Land Development Approval of Phase II may be granted contingent upon resolution of the NPDES Permit revisions/modifications, as deemed necessary by the Department of Environmental Protection during their review. However, per the ordinance, the Township reserves the right to withhold building permits until the DEP review is completed and the Permitting matter is resolved. 516: BEI Comment 1-30-2020: *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 in Phase II, and a total PRD buildout density of 2.2 dwelling units per acre. **LSSE Response, 2-12-2020: The Twin Oak PRD was granted Tentative Approval on November 9, 2016 and Revised Tentative Approval on April 11, 2018. The granting of the Tentative Approval is deemed an amendment of the Zoning Map effective on final approval of each phase. The densities in the R-1 District no longer apply to the Twin Oaks PRAD. As shown on the attached PRD Zoning Comparison**

BUFFALO TOWNSHIP PLANNING COMMISSION – REGULAR MONTHLY MEETING – MARCH 4, 2020

Chart, the Township allowed PRD density is 4 dwellings/acre and the Tentative approval for Twin Oaks PRD NO. 1 allowed a Phase 1 density of 1/7 dwellings/acre, a phase II of 2/4 dwellings/acre as shown on the attached chart. The plan complies with the Tentative PRD Approval. BEI Comment 2-28-2020:

This comment is resolved. 519/520: BEI Comment 1-30-2020: *Common Open Space Maintenance or 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. **Victor Wetzel Associates Response: As part of the Township's Phase I Final Approval, the PRD H.O.A. documents were reviewed and approved by the Township Solicitor. This document clearly shows the location and responsibility for the Pen Space and stormwater facilities.**

BEI Comment 2-28-2020: We recommend that the Applicant confirms that all maintenance responsibilities pertinent to Phase II and III are also included in this document. Once Phase II and III are also clearly outlined in the H.O.A. documents, this comment will be resolved.

SUBDIVISION: 202.52: BEI Comment 1-30-2020: *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. **LSSE Response 2-12-2020** **The Section sited is for preliminary subdivision plan. The submittal is an application for final approval of a PRD under Section 508 of the Zoning Ordinance. Section 508.1 and 508.2 identify what the Site Plan shall contain. The plans comply with Section 508 of the Zoning Ordinance and Section 205 of the Subdivision and land**

Development Ordinance. BEI Comment 2-28-2020: This comment is resolved. 213.A: BEI Comment 1-30-2020: *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. **Victor Wetzel Associates Response 2-12-2020: As part of the Township's Tentative PRD approval, Twin Oaks will be paying a fee in lieu of recreation per Condition No. 2. The applicant request5s this be paid at the time of building permit application, standard procedure per the Municipal, Planning Code.** BEI Comment 2-28-2020: All appropriate fees must be paid to the Township. 303.11: BEI Comment 1-30-2020: 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. **Victor Wetzel Associates Response 2-12-2020: The Township's approval for the Tentative Approval for Twin Oaks includes a 150' radius near Lot 302. The roadway name has been corrected on the road profile.** BEI Comment 2-28-2020: This comment is resolved. 304: BEI Comment 1-30-2020: *Blocks shall not ordinarily exceed one thousand (1,000) feet in length.* Red Horse Drive exceeds 1,000 feet. **Victor Wetzel Associates Response 2-12-2020: The Township's approval for the Tentative Approval and Phase I created a street network that included a block length on Red Horse Drive that exceeds 1,000 feet. This item was addressed with the Tentative PRD approval. The plan complies with the Tentative PRD Approval.** BEI Comment 2-28-2020: This comment is resolved. 405: BEI Comment 1-30-2020: 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. **LSSE Response 2-12-2020: Developer may choose to hold recording of the subdivision plan and construct the improvements prior to recording of the plan. In accordance with the municipal planning Code this process will only require the posting of a Maintenance Bond for items completed and a Performance Bond for any remaining items. These bonds are determined at the time of recording of the plan.** BEI Comment 2-28-2020: We concur that, per the Municipalities Planning Code, the Applicant has the right

BUFFALO TOWNSHIP PLANNING COMMISSION – REGULAR MONTHLY MEETING – MARCH 4, 2020

to construct all improvements to the Township's satisfaction without posting financial surety. Should the Applicant choose not to post financial surety, Final Approval of the Plan will not be granted until the Applicant has successfully completed all proposed improvements to the Township's satisfaction, as outlined in the Municipalities Planning Code. 411: BEI Comment 1-30-2020: *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. **LSSE Response 2-12-2020: A site triangle has been added to the plans within the area bounded by the street lines per Ordinance Section 411 which states "such corner lots and a line joining points on these street lines of such corner lots twenty-five (25) feet from their intersection along the lot lines." Refer to Sheet No. 3 of 14. The plan complies with the ordinance.** BEI Comment 1-30-2020: The sight triangle referenced in the Applicant's response was not found on Sheet No. 3 of 14. We recommend this information be added to the Plan Drawings. **STORMWATER MANAGEMENT:** 301.G: BEI Comment 1-30-2020: *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. LSSE Response 2-12-2020: The plan proposed no change to pattern of flow from the property, defused flow will remain defused flow and concentrated flow will remain concentrated. The plan as approved, proposed decreasing the volume and rate of runoff to be discharged to adjacent properties with no change as to diffused or concentrated and proposed a positive change in runoff characteristics onto those adjacent properties. All storm sewer systems convey runoff to the detention basin that discharges to an existing stream channel. As previously provided to the Township the following table provides a summary of the positive change to the adjacent properties, which is not required by the ordinance. BEI Response 2-28-2020: Refer to comment response in section 501.A.2&5 (table noted in original comment letter from BEI) 501.A.2 & 5: BEI Comment 1-30-2020: *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. **LSSE**

BUFFALO TOWNSHIP PLANNING COMMISSION – REGULAR MONTHLY MEETING – MARCH 4, 2020

Response: The Developer has not concentrated flow to adjacent properties under the post construction condition. During construction a silt sock trap does exist to meet the State regulations for activities during construction. These traps are temporary and will be removed per the approved construction sequence. Although not required by the Ordinance quoted above, the Developer, in order to address sequence of construction deviations under the NPDES permit, as noted by the Conservation District, was required to prepare corrective actions plans to bring the site into compliance. As requested, reviewed by the Township Corrective Action Plan No. 3 includes stormwater management facilities to collect and convey runoff to the stormwater detention basin. This reduces the runoff from the rear yards additionally below the requirements of the ordinance. The subject adjacent parcel, by ordinance, is permitted to receive runoff at the predevelopment conditions from the proposed site. At the request of the Township, the Developer has constructed additional stormwater management collection and conveyance systems to lessen this amount (approximately by 50%). Per the existing conditions plan this was an existing discharge point from the property. The ordinance does not require the Developer to make existing runoff disappear. Per the existing conditions plan this was an existing requirements. The comment as presented, may be considered a taking by the Township as this is a condition not supported by ordinance. Runoff to adjacent properties consists of vegetated areas that mimic predeveloped conditions and greatly reduced the drainage area to these properties. As previously provide to the Township the following table provides a summary of the positive change the adjacent properties, which is not required by the ordinance. (image provided in review letter)

BEI Comment 2-28-2020: Our office recognizes that the Applicant built additional stormwater infrastructure as part of Corrective Action Plan Number 3 for the project site. Corrective Action Plan Number 3 was required after a site inspection by the Butler County Conservation District on August 28, 2019. We also recognize that, through the implementation of Corrective Action Plan Number 3, the drainage areas contributing runoff to adjoining properties have been significantly diminished. Nevertheless, outstanding issues of concentrated discharges onto neighboring properties still exist at 106 South Pike Road.

401.B: BEI Comment 1-30-2020: The Applicant should provide an Existing Resources and Site Analysis Plan, per the Ordinance. LSSE Response 2-12-2020: As noted in our June 14, 2019 response letter, Applicant was directed by Bankston Engineer's on May 15, 2019 to revise the plans to include the Conceptual Master Plan and Existing Conditions showing the entire development. Refer to Sheet nos. SHT1 and SHT2 of Sht14.

BEI Comment 2-28-2020: This comment is resolved.

305: BEI Comment 1-30-2020: 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 2B do not meet this section of the Ordinance. LSSE Response: All POIs 25 -year post-developed discharge rates do not exceed their 10-year predeveloped discharge rate, with the exception of POI 2B. As discussed with Bankson engineers, Inc. on July 1, 2019, area 2B may be omitted from this requirement since the area will return to its appropriate existing conditions. The drainage area is being reduced and is being restored to meadow conditions. Per the discussion in July this item has been met.

BEI Comment 2-28-2020: Acknowledged. During a site meeting with the butler County Conservation district, Applicant and Township engineer, it was determined that the Sediment Trap shown on the Erosion and Sedimentation Control Plan Drawings would not be built. This comment is resolved.

501.B.18: BEI Comment 1-30-2020: 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 thought the emergency spillway. The Applicant should verify/clarify that the outlet control structure is sufficient to meet the Ordinance. LSSE Response: The detention basin outlet structure has been revised to meet the Ordinance.

BEI Comment 2-28-2020:

BUFFALO TOWNSHIP PLANNING COMMISSION – REGULAR MONTHLY MEETING – MARCH 4, 2020

This comment is resolved. 1. BEI Comment 1-30-2020: 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 1A 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. **LSSE Response 2-12-2020: The Time of Concentration has been revised at the request of the Township Engineer. The original assumptions met the ordinance. The plans, as revised per Township request, also meet the ordinance.** BEI Comment 1-30-2020: This comment is resolved. 2. BEI Comment 1-30-2020: For Thine 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. **LSSE Response 2-12-2020: The Time of Concentration has been revised as requested by the Township Engineer, although this 501.B.22.H of the Ordinance is applicable to Commercial Developments only or developments that exceed 20% impervious cover. The proposed development will result in a 10% impervious cover per the attached exhibit.** BEI Comment 2-28-2020: The Applicant revised the sheet flow distance. This comment has been resolved. 3. BEI Comment 1-30-2020: 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. **LSSE Response 2-12-2020: The calculations have been revised to reflect a runoff coefficient of 0.95.** BEI Comment 2-28-2020: The Stormwater Management Report (Blue Book, revised 2/4/2020) Inlet Analysis section still shows a runoff coefficient of 0.90 to represent impervious area, which should be revised. 4. BEI Comment 1-30-2020: 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. **LSSE Response 2-12-2020: Typographic errors in the stormwater report have been corrected.** BEI Comment 2-28-2020: This comment has been resolved. 5. BEI Comment 1-30-2020: 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. **LSSE 2-12-2020: This section is not applicable and have been removed from the report.** BEI Comment 2-28-2020: This comment has been resolved. 6. BEI Comment 1-30-2020: 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. **LSSE Response 2-12-2020: The original storm sewer design was in compliance with the Ordinance. Following discussion with Bankson Engineers, Inc. on January 30, 2020, it was agreed that this comment is not in the Ordinance. However, it is the Township Engineer’s interpretation of the Ordinance that the hydraulic grade line is not permitted to exceed the crown of the pipe, which is not stated in the Ordinance. This is in direct conflict the ordinance, Section 501.B.21a requires the storm system to convey the 25-year 24-hour design storm. Section 501.B21.d.1 requires the storm sewer must be able to convey post development runoff without surcharging inlets for the 10-year storm event. Though the plan met the requirements of the ordinance, the storm sewers have been revised to include the upsizing of four pipe sections to meet the Engineer’s imposition of additional requirements.** BEI Comment 2-28-2020: The Applicant has revised the storm sewer design such that all proposed Phase II storm sewers convey the 25-year storm without surcharging. This comment has been resolved. **GENERAL:** 1. BEI Comment 1-30-2020: A Developers Agreement which lists the maintenance responsibilities, bonding requirements, and ownership of facilities is required. **LSSE Response 2-12-2020: The Developer’s Agreement will be prepared with the Township Solicitor upon receipt of final approval.** BEI Comment 2-28-2020: Noted.

BUFFALO TOWNSHIP PLANNING COMMISSION – REGULAR MONTHLY MEETING – MARCH 4, 2020

2. BEI Comment 1-30-2020: 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. **LSSE Response 2-12-2020: A copy of the Buffalo Township Municipal Authority approval is attached.** BEI Comment 2-28-2020: Noted. 3. BEI Comment 1-30-2020: A Final Inspection of all improvements will be required prior to issuance of the Occupancy Permit. **LSSE Response 2-12-2020: Noted. The Developer will coordinate inspections with the Township Engineer.** BEI Comment 2-28-2020: Noted. 4. BEI Comment 1-30-2020: It appears that the proposed plan is in compliance with the Joint Municipal Comprehensive Plan. **LSSE Noted. No response required.** Based on the information outlined above and Developer's election to construct Municipal improvements in lieu of posting a bond, we recommend that Phase II should be granted Conditional Preliminary Approval, with the understanding that upon completion of all required improvements to the satisfaction of the Township Engineer, final approval may be granted upon re-submission to the Township Board of Supervisors.

John Bench, Attorney with the Law firm of Dillion, McCandless, King, Coulter and Graham, LLP. Representing the developer, The John Allen Jr. Family Trust Developer of the Twin Oaks PRD, Kevin Brett with Lennon, Smith & Souleret Engineering, John Allen Jr. and John Allen, III were in attendance. Kevin Brett stated that they submitted their comments to Bankson Engineers review letter today and feels that most of the issues have been addressed. Ken Howard stated that there are still a few minor issues that Twin Oaks PRD No. 1, Phase II needs to address to be compliant and that all other comments have been addressed. Amy Trulik asked a question regarding the Fee In Lieu of. Ken replied that would be up to the township supervisors and the developer if the fee will be mandated to be paid upfront or if the supervisors would be willing to let them pay the fee at the time of building permits. Our ordinance states that they either dedicate land for a park or pay the fee. Traditionally, this township has gotten that fee paid at the time of final approval. Kevin Brett spoke regarding this. He stated that you have the option to bond certain improvements or to build them and then have them approved. Until that time, the final plan or subdivision will not be recorded because if it gets recorded and doesn't get built right then the township is on the hook for it. So, either way nothing is going to happen unless we do it right or put up a bond. So, the approval tonight is for final, not preliminary. Kevin explained. Ken explained the what the ordinance says. Kevin Brett stated that the Developer decided to post the bond same as before. Amy Trulik asked about the DEP Permit. Ken stated that it this can be moved on, but they cannot move dirt until the Conservation District or DEP's oversight until that permit's been issued. Amy asked so then we can move this forward. Ken replied yes. Kevin stated that the township asked us to do a major modification which is done and now the NPDES Permit is in place. The next step is to pave the road. Ken shared that what the township zoning ordinance 409.8 states is that there will be no building or zoning permit issued until all acceptable wastewater, stormwater and erosion sediment control permits have been obtained. So, they couldn't get any building permits or construct any houses until that DEP permit is in hand. Kevin stated that we do have a permit in hand, it has not been revoked. Ken stated that you will not get any grading permits for individual homes until that NPDES permit modification occurs. Kevin replied we understand that. Ken commented that the developers has taken great strides to remedy some of the issues on the sight and explained what has been done. Atty. Charlton stated that he will issue a written report to the supervisors.

On a motion of Chris Foust, seconded by Amy Trulik to move the Twin Oaks PRD No. 1 Phase 2 on to the Board of Supervisors per Atty. Charlton's written report. Motion Carried. Un. Approval.

BUFFALO TOWNSHIP PLANNING COMMISSION – REGULAR MONTHLY MEETING – MARCH 4, 2020

OLD BUSINESS

DISCUSSION REGARDING ADVERTISING/SCHEDULING DATES FOR WORKSHOPS AND TIME CHANGE FOR PLANNING COMMISSION MEETINGS

Grant McConnell stated that he spoke with Atty. Lutz regarding this and Atty. Lutz was trying to do a little more due diligence on it and told me that he would hopefully have more information next week. Atty. Charlton suggested this be on the Agenda for next months meeting.

REMARKS FROM THE FLOOR

Mr. & Mrs. Sagath from Conrad Lane off of Thompson Road were in attendance to discuss an addition that they would like to do to their home. The house is already less than the required road frontage guidelines, but it's on a lane, not a road. After much discussion between Ken Howard and Atty. Charlton, it was decided that if they keep the addition in line with the current house there would not be any issue. They were given a Building Permit Application Packet.

ADJOURNMENT was on a motion of Amy Trulik, seconded by Christ Foust at 8:25 pm. Motion carried.
Un. Approval.

APPROVED:

CHAIRMAN

SECRETARY