

BUFFALO TOWNSHIP PLANNING COMMISSION

REGULAR MONTHLY MEETING

APRIL 4, 2018

The Regular Monthly Meeting of the Buffalo Township Planning Commission was called to order on April 4, 2018, at 7:30 p.m. in the Township Municipal Building by the Chairman, Ray Smetana. This Meeting is being recorded. If anyone is taping this Meeting, please state your name and address.

The following members were present at this evening's meeting: Ray Smetana, Sue Gregory, Tim Gottus, Donna Davis, Grant McConnell, Atty. Joe Charlton, Ken Howard, and Roger Kelly. Absent were Chris Foust and Amy Trulik, both emailed.

APPROVAL OF THE MINUTES

On motion of Grant McConnell, seconded by Tim Gottus, to approve the minutes of the March 7, 2018, Regular Monthly Meeting of the Buffalo Township Planning Commission as recorded. Motion Carried. Un. Approval.

STC TOWERS HOWES RUN ROAD SITE – VERIZON WIRELESS CELLULAR COMMUNICATIONS TOWER – FLEMING ROAD – SITE PLAN

STC Towers is proposing a Verizon Wireless Cellular Communications Tower located on Fleming Road. The tower will be on .22 acre. STC is leasing the property from Joseph and Linda Varos. A Conditional Use Hearing was held on March 8, 2017; the Buffalo Township Board of Supervisors approved the Conditional Use at their March 8, 2017, Regular Monthly Meeting.

The township office has received the Site Plan Drawing, Site Plan Filing Fee, Municipal Authority Comments (letter received on 2/20/18), and Twp. Engineer's Comments (The base of a communications tower shall be landscaped so as to screen the foundation and base and communications equipment building from abutting properties. Please demonstrate that the landscaping requirements will be met. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed communications tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, Published by the Electrical Industrial Association/Telecommunications Industry Association. Please submit the required certifications. The applicant shall submit a copy of its Federal Communications Commission License; the name, address, and emergency telephone number for the operator of the communications tower; and a certificate of insurance evidencing general liability coverage in the minimum amount of one million dollars (\$1,000,000) per occurrence and property damage coverage in the minimum amount of one million dollars (\$1,000,000) per occurrence covering the communications tower and communications antennas. Please submit the required information and insurances. One (1) off-street parking space shall be provided within the fenced area. Please show where this parking space will be located on the plan drawings. The applicant is demonstrating that the proposed project will add 4,941 square feet of new impervious area. The impervious additions are below the threshold of 5,000 square feet, and therefore,

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the project is exempt from submitting a full Stormwater Management Site Plan and Report Requirements. The applicant will still be required to comply with the applicable sections of the Stormwater Management Ordinance, Ordinance Number 126. Our stormwater management comments are as follows: 302.E: An Applicant proposing Regulated Activities, after demonstrating compliance with Sections 302.B, 302.C, 302.D, may be exempted from various requirements of this Ordinance according to the following, 0-500 Documentation of Impervious Surfaces, 501-4,999 Small Project SWM Application (Appendix E), 5,000 or more Rate Controls, Volume Controls, SWM Site Plan. Please complete and submit the Small Projects SWM Application (Appendix E) as required in the Ordinance. 501.b.3: The minimum horizontal distance between any structure and any stormwater management facility shall be 25 feet. The lowest floor elevation of any structure constructed immediately adjacent to a detention basin or other stormwater facility shall be a minimum of 2 feet above the 100-year water surface elevation. The proposed communication tower structure and the canopy covered generator pad appears to be within 25 feet of the rock filled trench. Please revise to comply with the Ordinance. 501.B.14: Energy dissipaters and/or level spreaders shall be installed at points where pipes or drainageways discharge to or from basins. Discharges to drainage swales shall be dissipated, or piped, to an acceptable point. Please show the point where the rock filled trench overflow pipe, shown on detail, will discharge; and show that proper energy dissipation will be provided. 501.B.21.e2: Swales shall have side slopes no steeper than 3:1. Please revise the Drainage ditchline Detail to comply with this Ordinance. Please provide documentation that verifies applicant's legal interest in the leasing and developing the subject property. Applicant must obtain a Grading Permit prior to any earth disturbance activities. A Sign Permit will be required for all signs. It appears that the proposed plan is in compliance with the Joint Municipal Comprehensive Plan. A Final Inspection of all improvements will be required prior to issuance of the Occupancy Permit as per letter dated 4/3/18).

The STC Representative stated STC is proposing to build a tower for Verizon. We received Conditional Use Approval. I wanted to address the letter from the Township Engineer. We are pretty much okay with working with all of the items listed in the letter, particularly all of the items under Stormwater Management. I spoke with our Engineer of record; they are fine with making the necessary revisions. They should get all of the necessary information within the next 30 days or so. They will need to get some calculations and signatures to get that revised. Under zoning, I have a couple of points. Number One deals with landscaping. Our thought was that the entire property is surrounded by trees. If you want us to add some landscaping around it, we certainly can. We just want to make sure it makes sense considering the treed nature of the property. If it is within this Board's ability to waive that, we think that would make sense. We don't want to request a Variance; if you can grant a Waiver, we would ask for that. Ken Howard stated I completely understand their concern. It is remotely located up on that parcel. My concern would be if we let them slide through without addressing that part of the

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Ordinance, we would set a precedent. Atty. Charlton stated they could request a Modification and explained what needed to be included. The STC Representative stated I could see about getting a letter that says we have insurance upon issuance of a building permit. Because of the small amount of space that is in the fenced areas, we would be taking up space needed for equipment. Could we include a parking space adjacent to the site or in the turn-around? Ken Howard answered just show it on your plan. I think that you could approve the Site Plan contingent on getting all of the items resolved and the building permit not be issued until they get all of the necessary documents. The STC Representative stated we already filed with Butler County; we can make any small changes to that. Donna Davis asked why does it say Howes Run Road if it is on Fleming Road? The STC Representative answered the name for the site is generated by the Radio Frequency Engineer looking at a map and deciding which area needs a cell site. The name is generated when they decide the need for the site. Atty. Charlton asked can they get the stormwater management issues done before 30 days? The STC Representative answered it is possible. Our Engineer of Record is in the field; we are not sure if he is going to be able to sign. We also need the owner to sign. Ken Howard stated we could recommend that you approve this contingent on the items being completed.

On motion of Tim Gottus, seconded by Grant McConnell, to make a favorable recommendation of the STC Towers Howes Run Road Site, Verizon Wireless Cellular Communications Tower Site Plan on Fleming Road contingent on meeting all of the items in the Twp. Engineer's Letter dated 4/3/18. Motion Carried. Un. Approval.

R & W ESTATES, LLC AND NVR, INC. PLAN OF LOTS – LOT LINE REVISION

Twin Oaks PRD was granted final approval and the subdivision plan for Phase I was recorded. Construction is currently underway and is expected to be completed by June 1, 2018. Ryan Homes, the builder in Twin Oaks, originally requested that the minimum lot width be 60 feet wide. Ryan Homes now needs a 60.5 feet wide lot. Therefore, they have adjusted the lines to create a 61 foot wide lot width. These changes were made by slightly shifting the internal lot lines. These changes did not change the road right-of-way nor cause any changes in the construction plans.

The township office has received Copies of Lot Line Revision, Lot Line Revision Filing Fee, Municipal Authority Comments (The Municipal Authority has no formal comments regarding the Twin Oaks PRD Lot Line Revision as per letter received 3/28/18), Butler County Planning Commission Comments (letter received 3/21/18), and Twp. Engineer Comments (The following Line Numbers from the table shown on the Plan of Lots, Drawing Number M677-01-15-01, shall be revised to match the Parcel Map Check Report—Bearings: L14,L28 and Distance: L-17. The following lot numbers show dimensions that vary from the Parcel Map Check Report. Please revise such that the dimensions on the Plan of Lots Drawing exactly matches the Report: Lot 111R, Park C Rev, Lot 114R, Lot 115R, Lot 118R,

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Parcel A-1 Rev, Lot 131R, Lot 133R, Park B Rev, Lot 134R, Lot 136R, Rev Road ROW. It appears that the proposed plan is in compliance with the Joint Municipal Comprehensive Plan as per letter dated 4/3/18).

Ken Howard stated we have very few items. We ask that they address the issue and with that addressed you could approve the plan contingent on them providing the updated drawing. Steven Victor explained the need for the lot line revision.

On motion of Donna Davis, seconded by Tim Gottus, to make a favorable recommendation of the R & W Estates, LLC and NVR, Inc. Plan of Lots Lot Line Revision to the Board of Supervisors contingent on complying with the Twp. Engineer's Letter dated 4/3/18. Motion Carried. Un. Approval.

SARVER'S MILL MASTER PLAN – REVISION 2

This revision is being submitted due to the extenuated subsurface conditions that were discovered during the construction of Phase 3B. The Meritage Group along with KU Resources, their Geotechnical Engineer sampled 22 locations which included 3 original site borings, 2 geo probe test locations, and 7 excavated test pits within the Phase 4 and Phase 5 areas and found unstable soils.

The Revised Master Plan as submitted in 2016 had 16 lots in Phase 4 and 26 lots in Phase 5. The Sarver's Mill Master Plan Revision 2 has 27 lots in Phase 4 and Phase 5 has 13 lots including a pool amenity; reducing the total number of lots by 12.

The township office has received the revised Master Plan, Municipal Authority Comments (MABT has no formal comments regarding this plan as per letter received 3/28/18), and Twp. Engineer Comments (Revised Master Plan should include the following items: drawing title, date, professional seal, tract boundaries, new lot configuration, and new street configuration. Master Plan should display a summary chart showing the following items: total number of lots, density, lot sizes, lot setbacks, total acreage of the planned residential development, and total acreage of open space. Chart should demonstrate the difference between each said item as shown on the recorded plan compared to the revisions. Please show the proposed development amenities such as the pool and other recreation areas on the Master Plan. Please show sidewalks and street light locations on the Master Plan. A revised Developer's Agreement will be required prior to final approval as per letter dated 4/3/18).

Ken Howard stated originally what was submitted as the Revised Master Plan didn't have some items that we thought were necessary to have on record as official drawings. Our letter asked them to add a few items to that Master Plan. These things have been added to a revised drawing that you just received a copy of and they emailed to our office this afternoon. With the revised submittal received today, we would recommend approval of the Revised Master Plan as submitted. Ray Smetana asked so they have taken care of the comments in your letter? Ken Howard answered they have.

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A resident from Edgewood Drive stated on your plan the pond is owned by me. She pointed out where her home is located. My concern is the development and the trees that are being removed; that hillside is incredibly steep and is already giving way. I have pictures and I have a neighbor who has pictures as well. It is unnatural. Another resident added it has become cliff like. The resident from Edgewood Drive stated some other concerns I have are trees were cut and allowed to fall down toward the creek. Nothing has been done to clean that up. There is garbage and debris all over the hillside. I invite all of you to come to my property. I don't think you realize the ramifications of allowing them to make those changes. In your own words it says that they found unstable soil and so they were given a variance to come closer to the hill. It makes no sense to me. The hillside is coming down into the creek and ultimately I don't know who is responsible but there is a problem there. Donna Davis stated we don't want the hillside in the creek either. What did your geotechnical engineer say about the hillside? Bob Bednar answered the 22 boring and test locations that we did which I presented during the discussion, there were test pits done throughout the entire Phase 4 and Phase 5. The area in which the unstable soils are located is in the center of the site. Anything that extends out toward the slope to Buffalo Creek, the rock is 2 feet deep. We couldn't auger. That is why we pulled the development further away from the slope to be in the better soils. In the area where the unstable soils are, we are no longer developing. Donna Davis asked you eliminated lots? Bob Bednar answered that is correct. The drawing was explained. Atty. Charlton told the Planning Commission you need to decide if their Plan complies with our Zoning Ordinance. You can ask questions about the DEP issue but we cannot comment on that. That is something that is not in our jurisdiction. Under my direction they are not going to give you advice on that because they can't. The resident on Edgewood Drive stated I am here to tell you that you have a huge problem when that hillside comes down. Atty. Charlton stated that you are absolutely within your right to bring that up; but the Planning Commission cannot give you any kind of advice. Patrick Shirey, Edgewood Drive, asked does this fall within the Ordinance for the 75 feet buffer with the stream in regard to land clearing? The Developer answered what we have are two DEP Regulations that buffers 100 feet that is absolutely undisturbed and 50 feet on top of that. For almost the majority of the site, we have done that even though we are allowed to be in there. Patrick Shirey asked by saying 150 feet is that the vertical distance up the hill or the horizontal distance? The Developer Representative stated there are some complicated calculations but it is more of a horizontal calculation. Patrick Shirey asked Atty. Charlton we have a local Ordinance that specifies the buffer zone. Part of the requirement of that Ordinance is that has to be kept vegetated or re-vegetated either naturally or by planting and that has not been done. That is why the hillside is caving in on the creek. I just worked for an Environmental Consultant for Adams Township and they have to comply with stormwater requirements; the stream restoration project we did for their five year plan is going to cost \$800,000 and that is before the DEP said there wasn't enough stream length. I told the Engineers they were double counting. Does this township want to continue this process of eroding this hillside into the stream? Are we prepared to pay a cost of \$100 per resident to fix these problems in the future when

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the state comes in and says we have to fix the problem? That is a reality. The MS4 Requirements are going to come and hit the taxpaying residents of this township not the people developing. The Developer stated this project has been going on a very long time. When it originally started it went through the Conservation District and the DEP and has an individual permit for Erosion and Sediment Control and Post Construction Stormwater. With that the DEP reviews stormwater hydrographs. That permit was completed and renewed in 2016. We had a full review process with the Conservation District and DEP and that permit is current and active. We are reducing the total number of lots on the project. The reduction total is 14 lots. We pulled away from the slope in some areas. We have gone to the DEP with revised calculations for an amendment to the current permit. We anticipate that will be approved in a couple of weeks. Atty. Charlton stated you are proposing a question to a Board are you willing to take an action on something that is not our purpose. Patrick Shirey stated I already contacted DEP and they said they didn't have the paperwork on file yet. They said talk to the County Conservation District, which I did call last Friday and haven't heard back. We have an Ordinance that addresses this with regard to a 75 foot buffer on slopes. That Ordinance should also apply here, that is my question? Ken Howard stated I can't answer that question. This PRD was approved many, many years ago. Their desire tonight is to eliminate building 14 lots and reduce the total amount of lots. The trees coming down are an issue; we did receive a call. Patrick Shirey stated it was me that called. Are we going to continue to allow the removal of vegetation and not replanting vegetation. I am bringing this issue up because the revised plan is being considered. I am letting not only you but the Developer know there could be a problem with the erosion. Ken Howard stated I think it would be wise if the Developer could take a look at the hillside. If there is erosion there, you wouldn't want that either because it is not in your permit. The Edgewood Drive Resident stated I think there is going to be a problem with the houses sitting on a cliff. Bob Bednar stated that is why we hire Geotechnical Engineers; that is exactly why we drilled 22 test holes in that upper section. Again the perimeter of the site there is only 3 – 4 feet of soil overtop of the rocks that follows the top of the slope. We put in storm sewers along Phase 2 Revised in which we had to hammer through the rock in order to put our storm sewer in. That runs approx. 30 – 40 feet off the top of the slope that drops down to the stream. Atty. Charlton asked Phase 4 was already approved? The Developer answered yes. Atty. Charlton asked you are removing 4 lots from Phase 4? The Developer answered the 14 lots is from the combined Phase 4 and Phase 5. Atty. Charlton stated you have no power to amend that PRD. Ray Smetana stated agreed; there is nothing we can do. The residents were informed that they will have to come to the Supervisors' Meeting; they do have the power to do that. Fran Shirey, Edgewood Drive, stated when someone puts in a plan, what about the homes that have been there a long time. You have houses to look at instead of trees. You are listening to people putting in the houses but you are not looking at the surrounding homes and commented on having a buffer zone. Atty. Charlton commented on drafting a Zoning Ordinance that could be cumbersome. Fran Shirey commented on the development on Rt. 356.

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

SARVER'S MILL PHASE 4 REVISED – SUBDIVISION

The proposed Sarver's Mill Phase 4 revised plan includes a revision of the 26 lots as recorded on September 7, 2017, in PBV 365 Pages 44-45 in Sarver's Mill Phase 4 and the addition of one lot formerly of the proposed Phase 5 Plan. These lots will be re-subdivided from Phase 4 and Sarver's Mill residual tract (Parcel E) for future development in the "R-2" Zoning District.

The infrastructure will include approx. 1,100 feet of roadway and waterline. The sanitary sewer will be an extension of the existing sanitary sewer within the Sarver's Mill Phase 2R and Phase 3B.

The township office has received the revised plan, filing fee, Municipal Authority Comments (The Municipal Authority has no formal comments regarding this plan. However, the Authority's Engineer is currently reviewing the revised utility plans for the Sarver's Mill Phase 4 and will forward any comments or approvals to the Developer's Engineer once they are available as per letter received on 3/28/18), and Twp. Engineer's Comments (Single family dwellings require two (2) parking spaces per dwelling. Please demonstrate that this ordinance provision will be met. A grading, erosion and sedimentation control plan which shall show the extent of grading, and specifically indicated all erosion and sedimentation control measures to be utilized on site. Please provide revised erosion and sedimentation control information to demonstrate that this ordinance provision will be met. Maximum building height is 45 feet. Please demonstrate that this ordinance provision will be met. Please show easement bearings and distances on the Subdivision Plan Drawings. The following lots are missing property dimensions, please revise the Subdivision Plan—404, 405, 406, 408, 411, 412, 416, 417. Please submit for review closure reports to verify the accuracy and precision of the bearings and distances shown on the Subdivision Plan. Subdivision Plan appears to be missing a road name. Please revise. Rename the cul-de-sac section of Creekside Drive as Creekside Court. Drawing Number 3.1 shows a minimum lot width of 100 feet, while Drawing Number 3.2 shows a minimum lot width of 75 feet. Please revise drawings for consistency. A note should be added to the Subdivision Plan drawing stating a revision to a previously recorded plan at pbv 365, pg. 44-45. Please show dimension lines for snow removal easements on the Subdivision Plan and include a note stating that no obstructions are to be built with this easement area. Revised Subdivision Plans do not demonstrate a professional seal, which will be required prior to approval. We have started the review of the revised Phase IV Plans; there are some deficiencies and items that need more information or clarification before a thorough review can be completed. These major deficiencies include: Please provide an updated Post-Construction Stormwater Management Plan information, including revised plan drawings, details, and supporting calculations demonstrating that the Planned Residential Development complies with all aspects of the

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Township Stormwater Management Ordinance. The Developer shall comply with Grading Ordinance, Ordinance Number 113, and obtain a Grading Permit. No cut or fill grade shall 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 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. Approval from the Butler County Conservation District for Soil Erosion & Sedimentation Control 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 but not limited to those shown below, shall be obtained prior to approval—NPDES Permit for stormwater discharges associated with construction activities. An individual NPDES Permit will be required for this site, Sanitary Sewage Facilities Planning Module, 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. A Final Inspection of all improvements will be required prior to issuance of the Occupancy Permit as per letter dated 4/3/18).

Ken Howard stated we received a letter from the Developer's Engineer today and revised plans this afternoon. They have addressed most of our comments with regard to subdivision and land development. The items that still need to have a full review on would be the stormwater management report. We have received some hydrograph charts and some revised drawings; but we haven't had time to fully review those items. They have addressed most of our comments. Bob Bednar stated this is a revision to Phase 4. It is within the limits of disturbance as was previously approved by the Conservation District and the DEP. The Representative stated the only remaining issue is the revision to the stormwater management plan. Since we spoke to you last month, we resubmitted these plans. That was coordinated with the Conservation District and the DEP. We submitted to the DEP revised calculations at the end of last week and copied everything to the Conservation District. We are working directly with them. We are going to get to Ken Howard a narrative explaining the difference in numbers for the permit. I think what we request tonight is that we can get a favorable recommendation contingent on getting DEP Permit and Amendment. If we are not ready for the Board of Supervisors, they can table us. Ken Howard stated I would be okay with that because you have to have the DEP Permit before any earth can be moved. This has previously been approved with the stormwater management design.

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On motion of Grant McConnell, seconded by Tim Gottus, to make a favorable recommendation of Sarver's Mill Phase 4 Revised Subdivision contingent on receipt of all DEP Permits and the Township Engineer's Letter dated 4/3/18. Motion Carried. Un. Approval.

RYAN HOMES SIGNS – DISCUSSION ONLY

A Representative from Ryan Homes attended the meeting to ask about putting up signs. We would like to do two signs—one at the corner of Rt. 356 and Rt. 228, I have already spoken to Eric Smith. The other one would be on Sarver Road and Hepler Road, I spoke to that property owner, also. Is this even feasible to make an application or apply for a permit for the signs? The size of the signs was discussed. Roger Kelly commented. Atty. Charlton stated you will have to go to the Supervisors' Meeting and talk with Atty. Lutz.

REMARKS FROM THE FLOOR

A resident asked about subdividing his property on Crescent Hill Drive. It is an 18 acre parcel. Ken Howard stated it will need to be a minimum lot size and have 25 feet of frontage on Crescent Hill Drive.

The Planning Commission discussed proposed changes to the Zoning Ordinance. Atty. Charlton stated everyone will need to get their revisions to me by Friday. I will get them to Rick.

ADJOURNMENT

There being no further business, it was on motion of Grant McConnell, seconded by Tim Gottus, to adjourn this meeting. Motion Carried. Un. Approval. Adjournment at 8:56 p.m.

APPROVED:

CHAIRMAN

SECRETARY