

Board of Supervisors:
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Andrew Erie, Supervisor
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Philip Wulff, Supervisor



Anthony Amendolea, Secretary/Treasurer
Mark Lauer, Public Works Director
Richard Round, BCO/Zoning Official
Michael Gallagher, Solicitor
Olsen & Associates, Engineer

PLANNING COMMISSION
Regular Meeting Minutes
February 27, 2013
6:30 p.m.

CALL TO ORDER:

The Regular Meeting of the Center Township Planning Commission was called to order by Chairman Robert Sloan at 6:30 p.m. at the Center Township Municipal Building, 419 Sunset Drive, Butler PA 16001.

ROLL CALL:

Present, in addition to Sloan, were Vice Chairman Neil Ashbaugh; members Cheryl Schaefer and Lloyd Eagal; Township Engineer Ron Olsen; and Secretary/Treasurer Anthony Amendolea. Member Brad Cavaliero was absent.

APPROVAL OF AGENDA:

Sloan motioned approving the agenda for the February 27, 2013 meeting, as presented. Schaefer seconded. Motion carried unanimously.

PUBLIC TO BE HEARD: None

MINUTES:

1. Reorganization/Regular Meeting, January 23, 2013: *Schaefer motioned approving the minutes of the Reorganization/Regular Meeting held January 23, 2013. Ashbaugh seconded. Motion carried unanimously.*
2. Special Meeting, February 6, 2013: *Sloan motioned approving the minutes of the Special Meeting held February 6, 2013. Eagal seconded. Motion unanimously carried.*

SUBDIVISION & LAND DEVELOPMENTS:

1. Vinroe Minor Subdivision No. 2013-03-03, Expires 05/27/2013: Mr. Nathan Brown proposes creating two (2) lots of 16.72 acres (m/l) and 2.18 acres (m/l) from Center Township Map 060-2F108-6A to construct a single family dwelling. He attended previous Planning Commission meetings and Board of Supervisors meetings to be

granted permission to use a Township abandoned road (Brackney Road). On December 20, 2012, Township Gallagher issued an opinion to the Board of Supervisors to take no action. Mr. Bill Foringer, 234 Jamisonville Road, stated the property reverted to adjoining property owners when the Township abandoned Brackney Road in 1931. Township Engineer Olsen stated an existing court order (Road Docket Proceedings No. 6, March Term 1931, Road Docket Volume 14 Page 22) requires the right-of-way remain open for the use and benefit of all property owners. The property owners must settle this between themselves. Butler County Planning Commission, letter dated February 11, 2013, comment is *“a clear and concise statement on the plan identifying who is permitted to use the right-of-way (Old Twp Road Brackney), who is responsible for maintenance of the right-of-way and the permitted uses of the right-of-way.”* The Department of Environmental Protection, letter dated February 20, 2013, considers the Sewage Planning Module Component 1 (N6-13-018) incomplete based on *“It is stated that Brackney Road is to be used for access to Lot 6. Will this lot have access to Jamisonville Road as Brackney Road does not seem to be a current township road? It appears Lot 6 may be a landlocked lot.”* Township Engineer Olsen, letter dated February 22, 2013, comments are, as follows (*Ms. Hughes, Land Surveyors Inc, comments are italicized*):

- a. This application was submitted as required, fourteen days in advance of the Planning Commission meeting date and reviewed utilizing the provisions of Section 14-404 for final plans as authorized per Section 14-403, Subsection G of the Center Township Subdivision and Land Development Ordinance. *Comment only.*
- b. Applicant should identify the right-of-way lines on Jamisonville Road (T-833) (Section 14- 404, Subsection B4, Paragraph b). *Right-of-Way of Jamisonville Road has been labeled.*
- c. Are utility easements for electric, telephone, cable or gas located within the Jamisonville Road right-of-way? *There is no gas service to the property. We have tried to find recorded easements for the electric lines but have not been able to. We have also contacted Allegheny Power and are awaiting response from them. The electric line is not in the road right-of-way.*
- d. Note indicates access to revised Lot 6 on Jamisonville Road via Brackney Road which scales to approximately thirty-three feet (33'). What is the status of Brackney Road and does property owner enjoy rights of ingress and egress from intervening property owners, Foringer, Noah, Renick, Grossman and Yousko? *Brackney Road was a township road that was abandoned in 1931. The road is to remain open for adjoining landowners as a private road for access to their properties.*
- e. The applicant should provide contour information on both lots (Section 14-403, Subsection B3, Paragraph e) or a modification requested not to provide this information. *Modification is being requested*
- f. Is a twenty-five foot (25') dedication of right-of-way across the frontage of Lot 6A being offered? If so, such dedication should be noted on the plat, as the fifty foot (50') front yard setback is measured from the revised right-of-way line. *Additional right-of-way of Jamisonville Road was established by previous PB 266 Page 26, 27. Dimensions have been added to clarify this.*
- g. Is further subdivision of Lot 6 contemplated? Creation of a front yard with over two thousand (2,000) linear feet of frontage could accommodate several private driveways. *There is no*

further subdivision of Lot 6 contemplated at this time.

- h. Is Brackney Road currently maintained, or in a stable, mud-free condition? *Brackney Road is only a cartway at this point in time.*
- i. We suggest that the Applicant reference the Order of Court and Road Docket that vacated the public road, but ordered that the road remain open as a private road for the use and benefit of the owners of lands through which it passes. The Applicant may wish to label the road as an existing private road if this is his determination. *We have added the Road Docket information about Brackney Road to the plan.*
- j. A "Z" hook should be provided linking land on the east and west sides of the Brackney Road right-of-way lines accessing the northern end of Lot 6. It is our understanding that the Applicant is offering to maintain the private road from his proposed point of access to Jamisonville Road. If so, this should be noted on the plan. *A "Z" hook has been added across Brackney Road at the north end of Lot 6.*

Sloan recommends the removal of the Impact Fee statement on the plan.

Mr. Brown requests a modification be granted for providing contours (Section 14-403 Subsection B3, Paragraph e) on the above referenced plan, since the plan is a minor subdivision.

Sloan motioned recommending a modification to Chapter 14, Article IV, Section 14-403, Subsection B, Paragraph 3, Subparagraph e providing contours on the plan. Egal seconded. Motion carried unanimously.

Sloan motioned, contingent on the Department of Environment Protection's approval of the Sewage Facilities Planning Module Component 1, recommending final approval of the Vinroe Minor Subdivision No. 2013-03-03. Egal seconded. Motion carried unanimously.

- 2. Sperring Minor Subdivision No. 2013-03-05, Expires 05/27/2013: Mr. Shawn Sperring proposes creating two (2) lots of 3.33 acres (m/1) and 25.28 acres (m/1) from Center Township Map 060-3F43-10B. Butler County Planning Commission has not submitted any comments. The Department of Environmental Protection, letter dated February 20, 2013, approved Sewage Facilities Planning Module Component 1 (N6-13-019). Township Engineer Olsen, letter dated February 22, 2013, comments are, as follows (*Ms. Hughes, Land Surveyors Inc, comments are italicized*):
 - a. This application was submitted, as required, fourteen (14) days in advance of the Planning Commission meeting date and reviewed utilizing the provisions of Section 14-404 for final plans as authorized per Section 14-403, Subsection G of the Center Township Subdivision and Land Development Ordinance. *Comment only.*
 - b. Applicant should identify the right-of-way lines on Heinz Road (T-410) (Section 14-404, Subsection 84, Paragraph b). *Right-of-Way of Heinz Road has been labeled.*
 - c. Are utility easements for electric, telephone, cable, or gas located within the Heinz Road right-of-way? A drop box (transformer) or pole is identified within an area of frontage

for Parcel No. 060-3F43-10BA and another pole is located within an unlabeled area, but no easement width is specified, as is the case with the electric line transversing Lot 1 and the 25.28 acre remnant. *There is no gas service to the property. We have tried to find recorded easements for the electric lines but have not been able to. We have also contacted Allegheny Power and are awaiting response from them. A note has been added to the plan.*

- d. Is a separate reciprocal easement agreement for access and maintenance between the owners of parcel 060-3F43-10BA and Lot 1 being recorded? *An easement agreement will be recorded. The Sperrings are also the owners of Parcel 060-3F43-10BA.*
- e. Parcel 060-3F43-10BA is existing but the Applicant should be aware that it also may not be buildable if a sewage permit cannot be obtained for this lot. *The Sperrings live on Parcel 060-3F43-10BA, which is 230 Heinz Road.*
- f. Will the foundation identified on Lot 1 be removed or remain as a nonconforming structure? If remaining, label as nonconforming. *The foundation will be removed and has been noted on the plan.*

Sloan recommends the removal of the Impact Fee statement from the plan.

Schaefer motioned, contingent on receipt of Butler County Planning Commission's review and approval, recommending final approval to the Sperring Minor Subdivision No. 2013-03-05. Ashbaugh seconded. Motion carried unanimously.

- 3. Meadowbrook Apartments Land Development No. 2013-03-04, Expires 05/27/2013: Mr. Tony Sadaka and Mr. Stan Zapadka, Widmer Engineering, proposes to combine Center Township Maps 060-S17-BA (14.49 acres (m/l)) and S17-BB (1.86 acres (m/l)). T & R Butler Limited Partnership proposes to construct (1) two (2) sixteen (16) unit two (2) bedroom apartment buildings; (2) two (2) six (6) unit townhouses; and (3) three (3) enclosed parking garages. The Department of Environmental Protection received Sewage Module Component 3 (N6-13-021). Application has been submitted to the Butler County Conservation District for the National Pollutant Discharge Elimination System permit. Butler Area Sewer Authority approved the sanitary sewer plan with the conditions of:

- a. General
 - 1) The Pennsylvania Department of Environmental Protection (DEP) must approve the Sewage Facilities Planning Module;
 - 2) The approval is based upon the 6-unit buildings and the 16-unit buildings being rental apartments. If the units are to be sold as condominiums or fee-simple units, then this plan is not acceptable and must be resubmitted for Authority approval;
 - 3) The Developer must provide a copy of the recorded lot-consolidation plan to the Authority;
 - 4) The Developer and/or his contractor are responsible for coordinating construction inspection and testing activities with the Authority. Provide at least 24-hours advance notice prior to starting any construction on the sanitary sewer lines (main or laterals); and

- 5) After all sanitary sewer lines have been inspected and tested, and all storm sewers have been completed, the contractor must dye test all roof leaders, catch basins, etc. in the presence of an Authority representative to verify that no storm sewer has been inadvertently connected to the sanitary sewer system.
- b. LD-14 of 18
- 1) Manhole Frame and Cover Detail: The sanitary manhole frame and covers must be heavy duty, traffic worthy. Cast Iron Frame must be a minimum of 7-inches in height, with a 27-inch opening. Casting must be East Jordan 1753, or BASA approved equal.
- c. LD-18 of 18
- 1) Project Site No. 3: Detail shows the water line and valve/meter pit located over the sanitary sewer lateral There must be a minimum of 10-foot horizontal separation between the sanitary sewer line and the water lines. Relocate the water service to this building.

Township Engineer Olsen, letter dated February 27, 2013, comments are, as follows (*Mr. Tony Sadaka, Widmer Engineering, comments are italicized*):

- a. Letters of service should be provided by the Applicant as received from the Butler Area Sewer Authority and the Pennsylvania American Water Company. (*will submit letter from Pennsylvania American Water Company*)
- b. An Opaque Screen – Type A is required between the proposed multi-family use and existing single family uses per Chapter 20-1306. The Applicant should provide details of this bufferyard I screening, whether existing or proposed. (*will add the required screening*)
- c. A minimum twenty (20) foot wide drainage easement shall be provided for the watercourses that exist on the property. (Stormwater Management Ordinance Chapter 21-301-I.) (*will provide the drainage easement*)
- d. A minimum twenty (20) foot wide access easement should be shown around all proposed stormwater management facilities including the infiltration basin, rain gardens, and infiltration sumps. (Article VIII.802.A.18) It also appears that the access route to the infiltration basin is through the adjacent Brooksedge Estates Plan. This also should be indicated on the plan along with access routes for the other facilities. The easements must be on a plan that is recorded. (*will add the access route easement for the stormwater management facilities*)
- e. The submitted volume calculations do not represent the entire site. The entire site as indicated as part of the peak rate calculations should include all of the Meadow Brook Apartments, the Brooksedge Estates, and the Brookstone Condominiums. Note that only 20% of the existing impervious area needs to be counted as meadow in good condition, per the Act 167 Stormwater Management Ordinance. The excess volume of the detention pond should either be proven to be adequate or enlarged as necessary. (Stormwater Management Ordinance Chapter 21-304-B) (*will request a modification*)
- f. The various notes and statements required by the Stormwater Management Ordinance Chapter 21-802-A.22 must be added to the plan set including signature blocks for the design and reviewing engineers. (*will add the required statements and notes*)
- g. Worksheet 2 indicates that 5.30 acres of the site are being protected from development. An easement should be provided around this area appropriately labeled permanently protecting

these areas from future development. *(will add easement around the 5.30 acres protected from development)*

- h. The existing detention structure outlet works detail should be revised to indicate that a watertight connection will be made where extending the 15- inch discharge pipe and it should also be demonstrated that the connection will not fail due to buoyancy. *(will add detail for the watertight connection)*
- i. The proposed plan indicates roof drains at a slope of 0.3%. The Applicant should confirm with the building permit officer that these slopes and pipe sizes meet the Uniform Construction Code. *(will verify with Building Code Official/Zoning Officer Round that slopes and pipe sizes meet the Uniform Construction Code)*
- j. The Applicant must enter into a stormwater management maintenance agreement with the Township. (form located in Appendix) *(will enter into a stormwater management agreement with the Township)*
- k. The Applicant should submitted a cost estimate for Township required improvements, which include stormwater management, pavement, landscaping, water lines, sanitary sewers (if proposed to be private), and storm sewers. The Applicant should provide a performance security in the amount of 110% of the cost within 90days of the date of Final Approval to guarantee completion of the proposed improvements. Requests for partial release may be submitted by the Applicant as work is completed. *(will post necessary performance within ninety (90) days of final approval)*
- l. The Applicant should enter into a Developers Agreement with the Township. *(will enter into a Developers Agreement with the Township)*

Schaefer motioned recommending a modification to Chapter 21, Article III, Section 21-304, Subsection B, controlling peak flows from the total site but only retain stormwater volume on site for the five (5) areas proposed for development. Ashbaugh seconded. Motion carried unanimously.

Sloan motioned, contingent on (1) items a through d and items f through l, abovementioned; (2) Department of Environmental Protection's approval of Sewage Facilities Planning Module Component 3 (N6-13-021); and (3) Butler County Conservation District's approval of the National Pollutant Discharge Elimination System permit, recommending preliminary approval of the Meadowbrook Land Development No. 2013-03-04. Eagal seconded. Motion carried unanimously.

OLD BUSINESS: None

NEW BUSINESS:

1. Accessory Structure/Club Ordinance: The Board of Supervisors proposes an ordinance amending Chapter 20, Zoning, Article II, Definitions, Article IV, General Conditions, Article IX, "C-1", Retail and Service Commercial District, and Article XIV, Conditional Uses, of the Center Township Codification of Ordinances, as amended from time to time, by (1) adding definitions for Club; Club, B.Y.O.B; Club, Health; Club, Night ; and Club, Social ; (2) revising Section 20-406, Accessory Structures, permitting a yard shed or garage on vacant parcels of property in absence of a principal structure; (3) revising

Section 20-904, Conditional Uses, to include B.Y.O.B. clubs and night clubs; and (4) revise conditional use standards for clubs.

Sloan motioned recommending adoption of the proposed club/accessory structure ordinance amendment. Schaefer seconded. Motion carried unanimously.

MISCELLANEOUS:

1. 2013 – 2014 State Budget: Governor Corbett increased the infrastructure budget but requires municipalities to pay more.
2. Marcellus Shale Sites: Marcellus Shale sites and compressor stations are required to meet stormwater management ordinances.
3. Herold Property: Township Engineer Olsen was contacted by Mr. Dale Herold, 395 North Duffy Road, about the possibility of rezoning the property which was slated for the possible Veterans Administration Hospital.

ADJOURNMENT:

Sloan motioned to adjourn the Regular Meeting at 8:10 p.m. Ashbaugh seconded. Motion carried unanimously.

ANTHONY A. AMENDOLEA
Township Secretary/Treasurer