

Board of Supervisors:  
*Ronald Flatt, Chairman*  
*Kenneth Frenchak Jr, Vice Chairman*  
*Andrew Erie, Supervisor*  
*Edward Latuska, Supervisor*  
*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  
June 26, 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 Chairman Sloan, were; Vice Chairman Neil Ashbaugh; members Brad Cavaliero and Lloyd Eagal; Township Engineer Ron Olsen; and Secretary/Treasurer Anthony Amendolea. Cheryl Schaefer arrived at 6:32 p.m.

**APPROVAL OF AGENDA:**

*Sloan motioned adding under Miscellaneous, Item 3, Kern's Request to Convert Barn and Item 4, Tour of POS Future Facility to the agenda for the June 26, 2013 meeting. Schaefer seconded. Motion carried unanimously.*

**PUBLIC TO BE HEARD:** None

**MINUTES:**

1. Regular Meeting, May 22, 2013: *Schaefer motioned approving the minutes of the Regular Meeting held May 22, 2013. Cavaliero seconded. Motion carried unanimously.*

**OLD BUSINESS:** None

**NEW BUSINESS:**

1. Buffington Daycare/Preschool Palace, 325 Sunset Dr, Dumpster Location: Although Ms. Sheryl Buffington was not present; the Planning Commission discussed her request to have the dumpsters permanently located in front of the building. The Planning Commission granted temporary permission to "place dumpsters in the front of the building for two (2) winters with a revaluation to possibly receive a modification to Center Township Codified Ordinances, Chapter 14, Article IX, Section 14-904" at the

Planning Commission meeting held on January 23, 2013. Consensus of the Planning Commission is *to (corrected July 24, 2013)* direct Ms. Buffington to relocate the dumpsters, whether the fence is removed or not, in compliance with Chapter 14, Article IX, Subsection 14-904.

## SUBDIVISION & LAND DEVELOPMENTS:

1. Hull Plan Minor Subdivision No. 2013-06-06, 404 Glenwood Way, Final, Expires 09/24/2013: The Hull Plan Residents Association, represented by Mr. Dennis Walters, proposes to subdivide Center Township Map 060-S12-D consisting of 2.02 acres (m/l) into two (2) lots, 1.80 acres (m/l) and .22 acres (m/l). The .22 acres (m/l) will be conveyed to Center Township Map 060-S12-G1. Township Engineer Olsen comments are *(Ms. Cheryl Hughes comments were not received)*:
  - a. The purpose of the plan is to subdivide Parcel A from the remnant parcel. This Parcel A does not meet R-1 zoning district: Single Family Lot" minimum area requirements of 1/2 acre. Possible alternatives/solutions are:
    - 1) Designate that this lot will be conveyed to and be combined with other lands now or formerly of Timothy B. and Roberta K. Tritch.
    - 2) File for a variance to the Zoning Haring Board for consideration of relief from the lot area and building setback requirements. Proof of water and sewage services to this lot would be required as a part of any variance request.
    - 3) Disapprove the plan.
  - b. The Applicant has indicated that a portion of Lakeshore Drive is currently constructed outside of the public road right-of-way on property of the Hull Plan Residents Association, Inc. We suggest that the Association consider dedicating additional highway right-of-way to Center Township to eliminate this condition, similar to what is being shown along Glenwood Way.
  - c. Notwithstanding the non-conformance of Parcel A to Township zoning district requirements, Parcel A is shown on the plan to be a "non-building" lot but without justification for criteria meeting a "Request for Planning Waiver & Non-Building Declaration" as required by the PaDEP to meet Act 537 (the Pennsylvania Sewage Facilities Act). We have attached copies of this "Request for Planning Waiver & Non-Building Declaration" along with an instructions sheet. Sections of the instructions explain when a waiver is appropriate and when it is not.
  - d. Public utilities should be added to this plan unless the Applicant requests and is granted a modification to Article IV Section 14-203.G.l.c of the Codified Ordinance of Center Township.

***Schaefer motioned tabling the Hull Plan Minor Subdivision No. 2013-06-06 to permit additional time to conform to items a (1) and b. Ashbaugh seconded. ~~Caveliero recused~~ Cavaliero recused (corrected July 24, 2013) himself because, he is the Treasurer for the Association. Motion carried.***
2. Isacco Major Subdivision No. 2013-06-07, 458 W Sunbury Rd/Roads End Ln, Final, Expires 09/24/2013: Mr. Sam Isacco proposes to subdivide Center Township Maps 060-2F61-31J, 060-2F61-34B, and 060-2F61-34BC consisting of 186.71 acres (m/l) into four (4) lots consisting of 46.68 acres (m/l) each. Two parcels (Center Township Map 060-2F61-31H and 060-2F61-31J) consisting of 4.51 acres (m/l) and 50.85 acres (m/l) were subdivided in August 2011. The Butler County Planning Commission had no comments

per letter dated June 20, 2013. Township Engineer comments are (*Ms. Cheryl Hughes comments were not received*):

- a. The purpose of this Application is to divide three (3) existing tracts into four (4) tracts for the purpose of estate settlement.
- b. The Applicant visited the Planning Commission for a Pre-Application review and was advised that certain difficulties in ordinance adherence may occur, but that the Township would attempt to cooperate with the Applicant as much as possible in this matter.
- c. The Applicant has chosen not to investigate the suitability of soils for on-lot sewage treatment. Therefore, we recommend that the Applicants submit to the Township a "Request for Planning Waiver and Non-Building Declaration." We have attached a copy of this PaDEP form as well as Instructions for completing this form. Division of farmland to settle an estate where no building or development is proposed is an acceptable use of this form.
  - 1) The five land owners should complete Section A.
  - 2) Buyers or proposed recipients of Non-Building Parcels should sign Section B.
  - 3) Since there is no building with on-lot sewage treatment system on the parent tracts, the Township SEO does not have to complete Section C.
  - 4) The Planning Commission must complete and sign Section D.
  - 5) The designated official for the Board of Supervisors must sign Section E.

A copy of the completed waiver/declaration document and all drawings must be forwarded by the Township to both the PaDEP in Meadville and to the Township SEO. The original must be retained by the Township as part of a permanent record of the Subdivision.

- d. The Applicant has affixed an appropriate notice of the non-building status of the subdivided lots on the plan, which is to be recorded.
- e. The Applicant is proposing to establish four lots, each with a minimum lot area of 1 acre and minimum frontage of 125 feet along the right-of-way line of the streets to which the lots have access except the required frontage on a cul-de-sac is 75 feet (Chapter 20, Article II, 106). Proposed Lots B and C are flag lots with frontage on a proposed cul-de-sac.
- f. Because three of the proposed four lots do not have frontage on an existing street right-of-way, the Applicant is proposing the creation of a private road, extending easterly from West Sunbury Road. The first approximately 1000 feet of the future private road is shown to be an existing 50' wide private right-of-way which currently serves existing Lot 2 (owned now or formerly by F.A. Isacco). This 50' private right-of-way appears to be centered on a property line in common with lands of the Applicant and lands now or formerly J. Isacco, labeled as existing Lot 1.
  - 1) The Applicant should label the 50' right-of-way as a proposed private road. We suggest that the Applicants may want to protect their future interests by dedicating a 50' wide private road right-of-way entirely within their own property; this way they will not have to rely on the current or future owners of existing Lot 1 and Lot 2 to dedicate right-of-way to the public if the landowners served by the proposed private road decide they wish to construct a public road.
  - 2) The proposed cul-de-sac near the western boundary of existing Lot 2 does not have adequate geometric design to define the right-of-way of this cul-de-sac. The Applicant must add a bearing and distance tie to the centerline of the cul-de-sac. The comment 6.a. (above) also applies to this cul-de-sac.
  - 3) The right-of-way of the proposed private road should be increased in width at the West Sunbury Road intersection. Future pavement edge radii of turns to meet PaDOT Highway Occupancy Permit criteria may result in need for a 75'± width of right-of-way at the

intersection.

- g. The Center Township Subdivision and Land Development Ordinance Chapter 14 Section 14-603 requires that private streets, either proposed or existing, shall not be approved for public dedication, construction or maintenance until the location, design and construction of any such street is in compliance with all applicable requirements of this Chapter. Private streets may be authorized to permit limited subdivision of lots subject to the following requirements:
- 1) A maximum of four (4) lots, plus a residual parcel containing one (1) existing residential structure, may be approved for access on a private street; (The Application complies with this requirement)
  - 2) The private street right-of-way shall be a minimum of fifty feet (50'), unless otherwise indicated; (The Application complies)
  - 3) The street shall be installed to provide the required minimum width with a mud-free cartway in accordance with the design standards in Table A, which is adequate to enable all weather passage of vehicles; (The road design must be provided - see No. h below)
  - 4) Sales agreements for all lots abutting the private road shall include notification to purchasers of the non-liability of the Township for road maintenance. In addition, a certificate of the non-liability of the Township shall be inscribed on the plan when submitted for municipal approvals. (This statement should be provided more clearly on the plan)
  - 5) All costs associated with the design, construction, maintenance or any other expense involving said street improvements shall be assumed by private sources with no cost to the Township prior to final acceptance for dedication by Township Supervisors.
  - 6) A temporary turnaround for maintenance and emergency vehicles shall be provided where future street or roadway extensions are designed to occur; said turnaround shall have a minimum eighty foot (80') diameter curb to curb and exhibit a mud-free condition. (The Application complies)
  - 7) A private maintenance agreement form provided by the Township shall be signed and recorded prior to consideration of roadway acceptance. (See No. i below)
- h. The Applicant should submit a design for the private road which shows an 18' wide mud-free cartway, a maximum profile grade of 12%, a minimum profile grade of 1% and transition vertical curves lengths as shown in Table A.
- i. The Township should request Solicitor Gallagher to prepare the private maintenance agreement described in (g.7.) above.
- 1) Since the Solicitor has determined that the Subdivision and Land Development Ordinance at this time does not require the bonding of non- public improvements and the Stormwater Management Ordinance requires bonding only as part of the building permit application process, we suggest that the Township can grant final approval of the plan if the private maintenance agreement adequately assures that the private road will be built prior to any created lots being converted from non-building lots to building lots.
  - 2) (Once it is constructed,) Costs and expenses of maintenance of the road are stated on a note on the drawing to be shared equally by the grantees of lot conveyance. We suggest that a more detailed agreement be prepared by the Applicant that defines who will be preparing and paying for the preparation of land development permits applications that we are required by state, county and local agencies, and who may be sharing in the cost of road construction.
- j. A note on the drawing states that all easements within the plan are limited to ingress, egress, and regress and no use shall be expanded or modified without prior written consent of any and all signatory landowners. We suggest that the Applicant consider whether easements may be used for private and public utilities. We also recommend that the Applicant consider whether the heirs and assigns of signatory landowners will be part of this process.

***Sloan motioned tabling the Isacco Major Subdivision No. 2013-06-07 to permit additional time to a topography map and conform to items c (1) through (5), f (1) through (3), g (3), (4) and (7), h, i (1) and (2) and j. Cavaliero seconded. Motion carried unanimously.***

3. Glasgow Subdivision No. 2013-06-08, 211 Aggas Rd, Final, Expires 09/24/2013: Ms. Kathy Glasgow proposes to subdivide Center Township Map 060-14BFA consisting of 23.19 acres (m/l) into two (2) lots consisting of 18.53 acres (m/l) and 4.66 acres (m/l). Township Engineer Olsen comments are *(Ms. Cheryl Hughes comments are italicized)*:

- a. The purpose of the plan is to create Lot 1 (which will include the existing house) and to revise the original lot into Lot 2 that meets the definition of a flag lot. *(Comment only)*
- b. The Application creates a new lot and should be labeled as a subdivision, not a lot line revision. *(We relabeled this as a Plan of Subdivision)*
- c. The flag lot must provide 50' of frontage on a street. It is unclear if this requirement is met; a dimension defining frontage on Aggas Road should be added. Also, this subdivision may provide the opportunity to provide a conveyance of lands now or formerly of Kiser to Glasgow for the area of the existing driveway connection to Aggas Road. Most probably sight distance is better at this point and Lot 2 will also use this existing driveway connection. *(We have added a dimension to define frontage on Aggas Road)*
- d. The Applicant has chosen not to investigate the suitability of soils for on-lot sewage treatment on Lot 2. Therefore, we recommend that the Applicants submit to the Township a "Request for Planning Waiver and Non-Building Declaration." We have attached a copy of this PaDEP form as well as instructions for completing this form. Division of farmland to settle an estate where no building or development is proposed is an acceptable use of this form. *(We will have the owners process the non-building waiver form)*
  - 1) The land owners should complete Section A.
  - 2) Buyers or proposed recipients of Non-Building Parcels should sign Section B.
  - 3) Since there is an existing dwelling with an on-lot sewage treatment on Lot 1, the Township SEO must complete section C. His normal fees will apply
  - 4) The Planning Commission must sign Section D
  - 5) The designated official for the Board of Supervisors must sign Section E.

A copy of the completed waiver/declaration document and all drawings must be forwarded by the Township to both the PaDEP in Meadville and to the Township SEO. The original must be retained by the Township as part of a permanent record of the Subdivision.

***Sloan motioned, contingent on (1) adding note to plan for right-of-way from Judith Kiser; (2) completion of item d (1) through (5), and (3) receipt of Butler County Planning Commission review, recommending approval of the Glasgow Minor Subdivision No. 2013-06-08. Eagal seconded. Motion carried unanimously.***

4. McDonald's Restaurant, 102 Clearview Cir, Pre-Application: McDonald's Restaurant, represented by Mr. Mark Mox and Ms. Lindsey Wagerer, to make modifications to the current site. The modifications are (1) eliminating the Playland, (2) modifying the parking lot, (3) adding a retaining wall with guardrail and fence, (4) adding a side by side drive-thru, (5) bumping the back curb out, (6) relocating the trash enclosure, and (7) add an eight foot (') front addition. The development requires a fifteen foot (15') easement from Seneca Bank (PNC Bank). There are twenty-four (24) existing parking spaces. The

proposed plan will add four (4) additional spaces. Stormwater management will be addressed. The proposed retaining wall requires an engineer seal. A fence will be placed between the restaurant and PNC Bank.

#### MISCELLANEOUS:

1. Gas Stations: With the current rezoning of Center Township Maps 060-2F63-20E and 060-2F63-20EA, the Board of Supervisors motioned “*authorizing the Planning Commission to review the possibility of placing gas stations as a conditional use in the C-1, “Retail and Service District.”*” Consensus of the Planning Commission is to amend the current ordinance authorizing gas stations in the C-1, “Retail and Service District” as a conditional use.
2. Kwik Fill Dumpster Enclosure Expansion: Kwik Fill seeks permission to extend their dumpster enclosure by five feet (5’) which would eliminate one (1) parking space. ***Sloan motioned recommending approval of the Kwik Fill Dumpster Enclosure Expansion. Schaefer seconded. Motion carried unanimously.***
3. Kern Request to Convert Barn: Mr. Kurt Kern asked the Planning Commission to consider the possibility of permitting him to convert a barn for social uses. Some of the concerns of the Planning Commission were noise, alcohol, rest rooms, and sprinkling of the building. The main concern is operating a commercial venue in the R-1A, “Low Density Residential District”.
4. Tour of POS Future Facility: Ashbaugh contacted Mr. John Giles about providing a tour of the POS Future facility. The option is available. Ashbaugh will set a date and notify the Planning Commission and Board of Supervisors.

#### ADJOURNMENT:

***Sloan motioned to adjourn the Regular Meeting at 8:49 p.m. Ashbaugh seconded. Motion carried unanimously.***

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ANTHONY A. AMENDOLEA  
Township Secretary/Treasurer