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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
July 24, 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; Lloyd Eagal and Cheryl Schaefer; Township Engineer Ron Olsen; and Secretary/Treasurer Anthony Amendolea.

APPROVAL OF AGENDA:

Sloan motioned, adding Miscellaneous, Item 1, Eagal's Resignation, to the agenda for the July 24, 2013 meeting. Cavaliero seconded. Motion carried unanimously.

PUBLIC TO BE HEARD: None

MINUTES:

1. Regular Meeting, June 26, 2013: *Ashbaugh motioned correcting, New Business, Item 1, which reads "is direct" to read "is to direct" and Subdivision and Land Development, Item 1, which reads "Caveliero reclused" to read "Cavaliero recused", the minutes of the Regular Meeting held June 26, 2013. Schaefer seconded. Motion carried unanimously.*

OLD BUSINESS: None

NEW BUSINESS: None

SUBDIVISION & LAND DEVELOPMENTS:

1. Hull Plan Lot Line Revision No. 2013-06-06, 404 Glenwood Way, Final, Expires 09/24/2013: This plan was tabled at the Planning Commission meeting held on June 26, 2013 as a minor subdivision. The Planning Commission recommended resubmitting as a

lot line revision. The Hull Plan Residents Association, represented by Mr. Brad Cavaliero, proposes a lot line revision conveying .22 acres (m/l) to Center Township Map 060-S12-G1 from Center Township Map 060-S12-D. Township Engineer Olsen comments are (*Ms. Cheryl Hughes comments are italicized*):

- 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. (*We have added the Tritch property and have designated that Parcel A be combined with their property.*)
 - 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. (*We have designated the portion of the property for Township public R/W purposes.*)
- 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. (*Since Parcel A is being added to the Tritch property, the non-building declaration is not applicable.*)
- 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. (*Attached is a request for a modification to not having to show public utilities on this plan.*)

Sloan motioned recommending a modification to Article IV Section 14-203.G.l.c of the Center Township Codified Ordinances. Eagal seconded. Cavaliero recused himself because, he is the Treasurer for the Hull Plan Association. Motion carried.

Schaefer motioned, contingent on the receipt of the Butler County Planning Commission's review, recommending approval of the Hull Plan Lot Line Revision No. 2013-06-06. Ashbaugh seconded. Cavaliero recused himself because, he is the Treasurer for the Hull Plan Association. Motion carried.

2. Isacco Major Subdivision No. 2013-06-07, 458 W Sunbury Rd/Roads End Ln, Final, Expires 09/24/2013: This plan was tabled at the Planning Commission meeting held on June 26, 2013 to provide additional time to conform to the Township Engineer's comments and provide a topography map. 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 are italicized*):

- a. The purpose of this Application is to divide three (3) existing tracts into four (4) tracts for the purpose of estate settlement. (*Comment only*)
- 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. (*Comment only*)
- 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. *We have asked the owners to process the non-building forms*
 - 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. (*Comment only*)
- 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. (*Comment only*)
- 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. (*We have labeled the 50' R/W as a proposed private Road*)
 - 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. (*Applicants want to leave the private road as was originally laid out*)
 - 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. (*Additional description has been added to the cul-de-sac and right-of-way of the private road*)
 - 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. *(R/W of Private road was increased at SR 308)*

- 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: *(Comment only)*
- 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) (Comment only)*
 - 2) The private street right-of-way shall be a minimum of fifty feet (50'), unless otherwise indicated; *(The Application complies) (Comment only)*
 - 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) (Road design has been provided)*
 - 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) (A note has been added to the plan to insure that the Township has no liability or maintenance responsibility for the private road)*
 - 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. *(Comment only)*
 - 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) (Comment only)*
 - 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) Applicant's attorney will address this)*
- 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. *(Road profile has been provided)*
- i. The Township should request Solicitor Gallagher to prepare the private maintenance agreement described in (g.7.) above. *(Applicant's attorney to address maintenance agreement of road)*
- 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. *(Comment only)*

Sloan motioned, based on Township Engineer Olsen's recommendation, recommending approval of the Isacco Major Subdivision No. 2013-06-07. Schaefer seconded. Motion carried unanimously.

3. McDonald's Restaurant Land Development No. 2013-07-09, 102 Clearview Cir, Preliminary/Final, Expires 10/22/2013: McDonald's Restaurant, represented by Mr. Mark Mox, proposes to make modifications to the current site (Center Township Map 060-S18-A8) consisting of 1.101 acres (m/l). 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 (8') 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 place between the restaurant and PNC Bank. Township Engineer comments are *(Mr. Mox's comments are italicized)*:
 - a. The drawings indicate a 4" diameter water line serving the site, but the Utility Information Table on drawing C-3 indicates a 6" water line. The Applicant should resolve this and address whether fire protection is adequate for the existing and enlarged building. *(The drawing was incorrectly labeled and will be revised to show a 6" diameter water line. The existing storage area is the only area that ha fire sprinklers. The proposed modifications to the building will have less seats then what was approved when the store was originally built. Therefore the occupancy will decrease and the entire building will not be required to have fire sprinklers.)*
 - b. Itisuncertain if the building addition and expanded drive-thru lanes will result in the need for submission of Sewage Facilities Planning Modules. The Applicant should confer with the Butler Area Sewer Authority and resolve this issue. A letter from the Sewer Authority should be provided by the Applicant. The Sewer Authority is no longer located on Hollywood Drive (as indicated on the cover sheet), but has been moved back to 100 Litman Road. *(Plans will be submitted to the Butler Area Sewer Authority for review to determine if a Sewage Facilities Planning Module will be required. It is understood that the proposed modification will have less seats then the existing building and the number of fixtures in the rest rooms will not increase. Also the address for the Sewer Authority will be fixed on the cover sheet to 100 Litman Road.)*
 - c. The Applicant is indicating on the drawings that a retaining wall will be installed outside of the PaDOT right-of-way for Route 8, but within an overhead utility easement, which is described in Deed Book Volume 1143, page 300. The Applicant should provide information regarding whether the proposed wall construction is in conformance with any building restrictions of this easement. *(Deed Book Volume 1143, Page 300 has been reviewed and there are no building restrictions noted in this Deed. The Deed will be provided.)*
 - d. Maximum lot coverage is 70% per Zoning Ordinance section 20-905 with maximum lot coverage defined as the maximum amount of space of a lot which may be covered by impervious surfaces. The Stormwater Management Report page 4 of 9 indicates that impervious areas on the proposed design will increase to 82.2%, which exceeds the 70% allowable. The Applicant should resolve this issue by either reducing proposed impervious areas to a maximum of 70% or possibly requesting a variance due to hardship from the Township Zoning Hearing Board. *(McDonald's is proposing to add porous asphalt as shown on the site plan and grading plan. With the addition of the porous asphalt the impervious area has decreased to 69.8% (see page 4 of 9 in the Stormwater Management Report), which complies with the 70% allowable lot overage. See Sheets C-1 and C-2 for location of porous asphalt and sheet SD-3 for the porous asphalt detail.*
 - e. It appears that the Applicant is proposing to comply with the Center Township Act 167 Stormwater Management Ordinance by installing an underground system of 15" diameter High Density Polyethylene pipes bedded in ASTM D2321 Class I course aggregate or Class II gravel soil.

- 1) The Stormwater Management Report page 6 of 9 describes the pipes as 24" diameter. The Applicant should resolve this discrepancy. *(The report has been revised to show the pipe size to be 15" diameter.)*
- 2) There also appears to be a discrepancy where the drawings show the pipe as solid wall and the report describes a perforated wall pipe system; this must be resolved by the Applicant. *(The system consists of both solid and perforated pipes.)*
- 3) We are concerned that the proposed underground stormwater storage/infiltration system is to be located so close to the proposed retaining wall, which is to be backfilled with gravel. The Applicant should address:
 - a) Will the underground gravel-filled pit seep into the wall French drain, causing unforeseen rapid seepage release through the face of the wall? *(There will be on site soil between the infiltration system and the drainage zone behind the wall; therefore the underground gravel filled pit will not seep into the wall.)*
 - b) Will the close-proximity of the underground gravel-filled detention/infiltration pit to the wall affect the effective soil strength parameters assumed in the structural calculations for the retaining wall system? The Applicant should provide a statement from ACA Engineering (designers of the wall system) addressing this question. *(The gravel filled infiltration system will not affect the effective soil strength parameters since the gravel will have a higher friction angle than the design.)*
 - c) It is unclear from notes on drawing W-1 whether "suggested quality assurance provisions" in the General Notes will, in fact, be followed. This should be clarified. *(ACA Engineering will be on site to inspect the construction of the wall.)*
- f. The light pole foundations on the West side of the building may be too close to the retaining wall to meet structural condition General Note No. 6 on drawing SD- 4 Lot Light Pole Design. *(The Structural Engineer and Geo Technical Engineer will review the foundation and wall design to ensure structural stability of light pole foundations on the West side of the building.)*
- g. The note on Drawing C-1 Keynote #27 states that the Contractor shall adjust area light locations to accommodate the existing overhead electric lines. We suggest that it be modified to require that relocations be coordinated with the project engineer and Allegheny Power to accommodate overhead electric lines. *(The above comment is actually referencing Keynote #17 not Keynote #27. Keynote #17 will be revised as stated.)*
- h. Per the Township Act 167 Stormwater Management Ordinance, the Landowner and Township must sign "the Operation and Maintenance (O&M) Agreement", and this must be recorded in the Butler County Courthouse as part of final approval of the land development. *(The Operation and Maintenance (O&M) Agreement has been sent to the McDonald's Corporation for review and execution.)*

Schaefer questioned that, if McDonald's uses PNC Bank's property, does the bank's coverage exceed seventy percent (70%). *(The existing impervious area for the bank lot is 60.64%. The proposed impervious area after property is taken by McDonald's is 65.17%. The bank lot will still comply with the maximum lot coverage of 70 %.)* Cavaliero is concerned with stormwater management. Ashbaugh is concerned with the retaining wall and maintaining water.

Sloan motioned, contingent on (1) addressing Olsen's comments a through h, (2) verifying PNC Bank's coverage, and (3) receipt of Butler County Planning Commission's review, recommending preliminary and final approval of the McDonald's Restaurant Land Development No. 2013-07-09. Cavaliero seconded. Motion carried unanimously.

MISCELLANEOUS:

1. Eagal's Resignation: Eagal announced that he is selling his home and moving out of the Township.

ADJOURNMENT:

Sloan motioned to adjourn the Regular Meeting at 7:36 p.m. Ashbaugh seconded. Motion carried unanimously.

ANTHONY A. AMENDOLEA
Township Secretary/Treasurer