

Board of Supervisors:
Edward Latuska, Chairman
Alan Smallwood, Vice Chairman
Andrew Erie, Supervisor
Kenneth Frenchak Jr, Supervisor
Philip Wulff, Supervisor



Anthony Amendolea, Secretary/Treasurer
Michael Gallagher, Solicitor
Olsen & Associates, Engineer

PLANNING COMMISSION
Regular Meeting Minutes
June 24, 2015
6:30 p.m.

CALL TO ORDER:

The Regular Meeting of the Center Township Planning Commission was called to order by Chairman Thomas Schiebel at 6:32 p.m. at the Center Township Municipal Building, 419 Sunset Drive, Butler PA 16001.

ROLL CALL:

Present, in addition to Chairman Schiebel, were members Neil Ashbaugh and Cheryl Schaefer; Township Engineer Ron Olsen; and Secretary/Treasurer Anthony Amendolea. Brad Cavaliero, Kasey McCollough were absent.

APPROVAL OF AGENDA:

Schiebel motioned approving the agenda for the June 24, 2015 meeting. Ashbaugh seconded. Motion carried.

PUBLIC TO BE HEARD: None

MINUTES:

Schiebel motioned approving the minutes of the Regular Meeting held on Wednesday, May 27, 2015. Schaefer seconded. Motion carried.

SUBDIVISION & LAND DEVELOPMENTS:

1. Douthett Minor Subdivision No. 2015-05-10, Final, Expires 8/24/2015: Ms. Cheryl Hughes presented. Ms Douthett proposes subdividing .70 acres (m/l) from Center Township Map (060-2F104-8D) creating a new lot with an existing single family dwelling and garage. Butler County Planning Commission had no comments per letter date May 12, 2015. Township Engineer Olsen had the following comments:
 - a. The purpose of the plan is stated to be the creation of a separate lot around the existing home.
 - b. Zoning Ordinance Section 20-406.C. Accessory Structures was amended in 2013 to allow an accessory structure on a lot in absence of a principal structure provided that its use is consistent with the Zoning District, its size is a maximum of 600 square feet, its maximum height is 15 feet, and the structure is totally enclosed. The accessory structure to be within Remnant Lot 2 does not

meet these provisions . The Applicant could request a variance from the Zoning Hearing Board , issuance of which would necessarily be based on a proven hardship. Other possible solutions include: (a) the lot be deleted, (b) the accessory structure could be razed, or (c) a principal permitted use could be constructed on Remnant Lot 2 within a specified time limit. The Applicant may wish to discuss these alternatives with the Planning Commission.

- c. Lot areas must be computed excluding public rights-of-way (Subdivision and Land Development Ordinance section 14-202.51)

The Board authorized Ms. Douthett to present a letter declaring the building as an agricultural use and if property is sold, building will be razed. Ms. Douthett submitted a letter agreeing to the Board's terms.

Schiebel motioned recommending approval of the Douthett Minor Subdivision No. 2015-05-10. Ashbaugh seconded. Motion carried.

- 2. Renick Minor Subdivision no. 2015-06-12,Final, Expires 09/22/2015: Mr. Thomas Smit, Keystone Consultants Inc, presented. Mr. and Mrs. Ronald Renick proposes subdividing 25.18 acres (m/l) from Center Township Map 060-2F59-2. The subdivided property will be located in Clay Township. Butler County Planning Commission had no comments per letter dated May 21, 2015. Township Engineer Olsen had the following comments (*Mr. Thomas Smit's comments are italicized*):

- a. The purpose of the plan appears to be to subdivide an existing Tax Map Parcel 60-2F59-2, which is partially in Center Township into two lots with proposed Lot 1 to be in Clay Township and a majority of proposed Lot 2 to be in Center Township. (*No comment*)
- b. Proposed Lot 2 in Center Township is also labeled as "residual" and this lot has not been shown in its entirety except in a small map near the title block, which does not meet SALDO 14-403 G.1a requirements of it being 6" x 6" size and scale of 1" = 2000' (scale corresponding to USGS 7.5 minute quadrangle). The Applicant may wish to request in writing a modification or waiver from this requirement.
 - 1) With reference to the entire property being shown on the plan, the Deed of record for this tract is bounded and the only possible way the limits of the tract could be shown is from the Butler County GIS and this is not accurate.
 - 2) The Plan was prepared to Clay Township regulations. Clay Township Board of Supervisors and Planning Commission have approved this plan "conditionally" (being presented in a Mylar form).
- c. The remnant parcel labeled Lot 2, which is shown to be almost totally in Center Township, does not meet provisions of SALDO section 14-403.G.1.b that requires the boundaries of the parcel to scale with names of owners of all abutting subdivisions and land developments. The Applicant may wish to request in writing a modification or waiver from this requirement.
 - 1) With reference to the entire property being shown on the plan, the Deed of record for this tract is bounded and cannot be shown to scale, the only possible way the limits of the tract could be shown is from the Butler County GIS and this is not accurate.
 - 2) Showing Lot 2 in its entirety would require a complete modification and/or revision to the existing plan requiring additional plan sheets. Clay Township Board of Supervisors and Planning Commission have approved this plan "conditionally" (being presented in a Mylar form). To modify and/or revise the plan as presented would mean resubmittal of the plan to Clay Township for their approval.

- d. The remnant parcel labeled Lot 2 does not show any existing rights-of-way and easements, adjacent underground utility lines, percolation test sites, survey monuments, existing structures, proposed water wells, septic systems, driveways and existing natural gas or oil wells as required by SALDO Section 14-403.G.I.C. If none of these listed items exist, the Applicant may wish to request in writing a modification or waiver from the requirements of this SALDO section.
- 1) The only Easement record for the original tract is shown on the plan and only affects the proposed Lot 1.
 - 2) There are no existing utilities elevated or underground along Byers Road portion of Lot 1 or Lot 2.
 - 3) As the main objective of this subdivision was to separate a 25.18 Acre parcel from the original 66 +/- Acre (by deed of record) tract for the purpose of a natural gas compressor station all matters of interest were shown relative to the proposed Lot 1. The remainder of the original tract (40.82 +/- Acres) is to remain in the possession of Ronald P. and Linda I. Renick. Future development of Lot 2 would need to meet the approvals of the various Boards, Commissions and Agencies of Center Township, Butler County and the Commonwealth of Pennsylvania.
- e. The Applicant has affixed a note to the plan that the proposed residual tract (Lot 2) is dedicated for the express purpose of private use and has not been issued a sewage permit from Center Township. The Applicant should complete and submit to the Township a PaDEP Request for Planning Waiver & Non-Building Declaration form as attached. We do not believe that purpose of "Private Use" is acceptable and suggest that the Applicant describe the use more closely to what the PaDEP has described as acceptable future uses not requiring a sewage permit. The blank forms are also available from the Center Township website.

Schiebel motioned recommending, based on Township Engineer Olsen's recommendation, granting (1) modification of (a) Chapter 14, Article XIV, Section 403, Subsection G. Paragraph 1.a; (b) Chapter 14, Article XIV, Section 403, Subsection G. Paragraph 1.b and (c) Chapter 14, Article XIV, Section 403, Subsection G. Paragraph 1.c and (2) final approval, contingent on amending non-building declaration by changing "natural gas compressor station" to "agricultural", of the Renick Minor Subdivision No. 2015-05-12. Schaefer seconded. Motion carried.

3. Sheetz Land Development No. 2015-06-13, Preliminary, Expires 09/22/2015: Mr. David Mastrostefano, Sheetz Inc, presented. Sheetz Inc proposes developing 3.157 acres (m/l) located at 1518 North Main Street Extension (Center Township Map 060-2F63-20EA) to construct a Sheetz store. On December 19, 2014, the Department of Environmental Protection issued an exemption to revise the Official Plan for new land development. In accordance with §14-301 of the Center Township Subdivision and Land Development Ordinance ("SALDO"), the Applicant is requesting modifications of the following provisions in the SALDO:

- a. §14-603.D.17. Section 14-603.D. requires construction of sidewalks in subdivisions containing twenty-one lots or more, but Section 14-603.D.17. indicates that sidewalks may be required by Board of Supervisors in subdivisions of less than twenty-one (21) lots at their discretion.

Since the land development will be located in a two lot subdivision and the property to be developed abuts Route 8, a state highway. The Pennsylvania Department of Transportation is not requiring the Applicant to install sidewalks adjacent to Route 8, and the Applicant does not believe it will benefit Center Township to require the construction of sidewalks for this development.

- b. §14-604.C.I.a.(35). This section requires installation of storm sewers with a minimum diameter of fifteen inches (15"), unless design calculations are provided to the Township which justify a smaller diameter.

Applicant has submitted calculations for review by the Township Engineer which justify installation of storm sewers

with a smaller diameter as shown on the construction details for the land development.

- c. §14-604.C.1 .a.(38). *This section requires installation of storm sewers using reinforced concrete pipe. However, the section permits the use of smooth flow polyethylene pipe, as specified in the Center Township Standard Construction Details.*

Applicant proposes to construct storm sewers using smooth lined corrugated high-density polyethylene material for the storm sewers.

- d. §14-605.A. *This section requires the use of concrete for monuments to be constructed at locations specified in the SALDO.*

The Applicant is requesting permission to substitute iron pins in place of concrete monuments at all locations required by the SALDO. The use of iron pins will serve the same purpose as concrete monuments, but are low impact and an unobtrusive alternative to concrete monuments.

In accordance with §21-303 of the Center Township Stormwater Management Ordinance, the Applicant is requesting the following Waiver:

- a. §21-1002.B.4. This section requires the recordation of the stormwater management site plan and report.

Applicant will record the Stormwater Management Site Plan ("Site Plan") and the Operation and Maintenance Stormwater Agreement ("O&M Agreement"), but is requesting a waiver in order to eliminate the requirement to record the Stormwater Management Report ("Report"). The Applicant believes that the recordation of the Site Plan and the recordation of the O&M Agreement will satisfy the intent of §21-1002.B.4. of the Stormwater Management Ordinance, and it is unnecessary to record the Report. Furthermore, Applicant has been informed that Center Township has not previously required recordation of the Report for other developments.

Township Engineer Olsen comments are as follows:

- a. Approval of this project land development cannot be granted until JT Butler LLC either constructs or bonds the construction of the site pad work and improvements to State Route 08, as well as completes or submits to the Township the items set forth in a letter from Olsen & Associates to JT Butler dated May 15, 2015 (as attached). Note: Item 5 is complete; item 7 revised to 110% and 15%, respectively; item 11 is not accurate, the existing HOP is in the name of Center Township and this HOP is being revised to reconstruct the signal.
- b. Center Township must act on this plan within 90 days of the date of application submission. If the plan cannot be approved within that time frame due to outstanding items, the Applicant may wish to grant a time extension to the Township or risk disapproval of the submission.
- c. Sanitary Sewer design drawings should be submitted to the Butler Area Sewer Authority for review and approval. The sanitary sewers in this land development will be private (not public) and will connect to the BASA public sewer system at the southern property boundary.
- d. Post Construction Stormwater Management computations of the storm sewer system are acceptable. Stormwater runoff will be collected by inlets installed by Sheetz and conveyed by storm sewers constructed by Sheetz and discharged to underground infiltration/detentions tanks installed by JT Butler LLC.
- e. The Applicant must receive an NPDES Permit for Erosion & Sediment Control and from the PaDEP/ Butler County Conservation District (BCCD). This can be a modification or revision to the NPDES Permit Application submitted by JT Butler LLC or this can be submitted as part of the JT Butler LLC NPDES application, as acceptable to the BCCD.

- f. The Applicant must execute an Operation and Maintenance (O&M) Agreement for Post Construction Stormwater Management as found in Appendix A of the Township's Stormwater Management Ordinance. Attorneys for Sheetz have stated that they will modify the Township's standard agreement into a 3-party agreement between Sheetz, JT Butler and Center Township. This agreement must be reviewed by the Township Solicitor before it is executed and recorded.
- g. The Applicant must submit to the Township for approval an engineer's construction cost estimate for Township-required improvements that can adversely affect the community if not properly installed. These items include the storm sewer system, outside area lights, light-screening fences, perimeter/parking lot landscaping, curbing, paving, directional signage and parking striping (SALDO Section 14-503).
- h. The Applicant must agree that he will abide by provisions of the Zoning Ordinance Section 20-1302 Nonresidential Performance Standards. We suggest that the Solicitor be consulted regarding an acceptable form of agreement.
- i. The Applicant should summarize at the Planning Commission meeting the results of his applications for variances to the Zoning Hearing Board as well as his application for a Conditional Use to the Board of Supervisors.
- j. The Applicant is requesting modifications or waivers to certain provisions of the Subdivision and Land Development Ordinance as listed on the attachment. These should be reviewed by the Planning Commission and acted upon by the Board of Supervisors. From our engineering point-of-view, we have no objection to the granting of these requests.
- k. The Applicant must post financial security in the amount of 110% of the construction cost of Township-requirement improvements as may be approved by the Township Engineer as described in (g) above.

Schiebel motioned recommending, based on Township Engineer Olsen's recommendation, granting (1) modifications a through d and waiver a, as requested and (2) preliminary and final approval, contingent on completion of items a through k of Township Engineer Olsen's review letter, of the Sheetz Land Development No. 2015-06-13. Schaefer seconded. Motion carried.

OLD BUSINESS: None

NEW BUSINESS: None

MISCELLANEOUS: None

ADJOURNMENT:

Schiebel motioned adjourning the Regular Meeting at 7:40 p.m. Ashbaugh seconded. Motion carried.

ANTHONY A. AMENDOLEA
Township Secretary/Treasurer