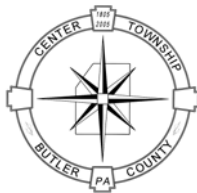


Board of Supervisors:
Edward Latuska, Chairman
Alan Smallwood, Vice Chairman
Ronald Flatt, Supervisor
Kenneth Frenchak Jr, Supervisor
Philip Wulff, Supervisor



Anthony Amendolea, Secretary/Treasurer
Michael Gallagher, Solicitor
Olsen Craft Associates, Engineer
Patrick Gauselmann, Zoning Officer

CENTER TOWNSHIP PLANNING COMMISSION

Regular Meeting Minutes
 August 23, 2017
 6:30 p.m.

CALL TO ORDER:

The Regular Meeting of the Center Township Planning Commission was called to order by Chairman Neil Ashbaugh at 6:30 p.m. at the Unionville Volunteer Fire Company Firehall, 102 Mahood Road, Butler PA 16001.

ROLL CALL:

Present, in addition to Ashbaugh, were members Vice Chairman Robert Sloan; members Brad Cavaliero, Kasey McCollough and Robert Wise; Township Engineer Ronald Olsen and Secretary/Treasurer Anthony Amendolea. .

APPROVAL OF AGENDA:

Cavaliero motioned approving the agenda for the August 23, 2017 meeting. McCollough seconded. Motion carried.

PUBLIC TO BE HEARD: None

MINUTES:

Sloan motioned approving the minutes of the Regular Meeting held on Wednesday, July 26, 2017. McCollough seconded. Motion carried.

SUBDIVISION & LAND DEVELOPMENTS:

1. Duffy Highlands PRD No. 2017-04-07, Phase I Final, Expires 6/13/2022: Due to not having approval from the Butler Area Sewer Authority, Mr. Robert Brennan withdraw the plan for Phase I final approval.
2. Elliott Land Development No 2017-06-10, Preliminary, Expires 10/23/2017: Mr. James Day presented. Mr. Ed Elliott proposes constructing 5,000 square foot building for a used car lot/sales located at 115 Henricks Road (Center Township Map 060-S3-6A) consisting of one (1) acre (m/l). Butler County Planning Commission has not submitted a review letter. Township Engineer Olsen comments are as follows:
 - a. The Application proposes a land development for a proposed used car lot and sales. We consider the proposed use as "Motor Vehicle Sales and/or Rental, excluding heavy equipment" which is a permitted use in the C-1 Zoning District with front setback of 50', side setback of 15', and rear setback of 30', all of which are followed on the submission.

- b. So that there is not future misunderstanding, the Zoning Ordinance lists in 20-904.G that "Automotive sales, new and/or used with or without integral service facilities in an enclosed structure" to be a Conditional Use. It is my opinion as Township Engineer that if service facilities are proposed for repair of vehicles, that this submission be considered a conditional use. Please consult with the Zoning Officer for his interpretation of this section of the Zoning Ordinance Chapter. Conditional uses require following of procedures in Zoning Ordinance Chapter 20 Article XIX. This issue should be discussed at the next Planning Commission Meeting or before so that the Applicant can proceed appropriately with a conditional use application, if applicable.
- c. The existing shed which is located along the western boundary line is a non-conforming accessory structure. It should be labeled "to be removed" (Zoning Chapter 20, 20-406.B 2)
- d. Supplemental Regulations (Zoning Section 20-1819) for Motor Vehicle Sales and/or rental are as follows and we suggest that the Township request the Applicant to acknowledge these supplemental Regulations:
- 1) Parking and traffic areas shall be paved or concrete surface.
 - 2) The selling of food and/or drink shall be prohibited.
 - 3) Outdoor speakers shall be prohibited.
 - 4) Any activity using and/or involving nudity, partial nudity, sexually oriented materials sexually oriented entertainment, and/or sexually oriented services shall be prohibited.
 - 5) Any activity which causes a noise or sound sufficient to disturb the peace and general tranquility of the neighboring public. As used herein, a noise or sound sufficient to disturb the peace and general tranquility of the neighboring public means a noise or sound which annoys or disturbs a reasonable person of reasonable sensitivities.
 - 6) All public oriented events and/or activities must occur inside the main structure.
 - 7) All public oriented events and/or activities not directly applicable to sales and rental of Motor Vehicles shall be prohibited.
 - 8) Using any part of required parking area and/or any part of required traffic way and/or any part of any public way, for display of merchandise is prohibited.
 - 9) Outdoor storage areas shall be located and screened in compliance with Chapter 14, Section 14-904 of the Center Township Codification of Ordinances.
 - 10) When located adjacent to a residential area, hours of operation shall be limited to 8 AM through 9 PM.
 - 11) Solid waste management shall comply with Chapter 16 of the Center Township Codification of Ordinances
 - 12) No derelict or damaged vehicles shall be stored on the premises for more than one (1) month.
- e. Based upon the Supplemental Regulations listed in (4) above, parking for customers and employees (computed by the Applicant to total 13 spaces) may not be used for display of merchandise (cars for sale). If the Applicant wishes to display cars outside, he should plan on additional areas for this purpose or request a variance to this provision for consideration by the Zoning Hearing Board.

- f. A bufferyard A is required along the property line in common with Center Presbyterian Housing, a multi-family residential use (see Zoning Appendix A "Screening Requirements"). A description of Opaque Screen-Type A should be added to the drawings.

- g. The Applicant should acknowledge that the following emissions, as measured at the property line, shall be considered the maximum allowable: (Zoning Ordinance 20-1802)
 - 1) Noise: Fifty (50) decibels, whether steady or intermittent, measured on property boundary, but excluding train and truck noises.
 - 2) Smoke: No waste material of any kind shall be burned in the open air on any industrial property. In no case shall smoke emitted from any manufacturing process exceed a density equivalent to number two (2) on the Ringlemann smoke detection chart.
 - 3) Odor: No discernible odor beyond property boundary in period of still air.
 - 4) Vibration: No discernible beyond property boundary.
 - 5) Storage of highly flammable substances: Location not less than two hundred feet (200') from property boundary and separated from other stored substances and structures, except for incidental supplies used in connection with manufacturing processes carried out on the premises and in accordance with Pennsylvania State Police regulations.
 - 6) Glare – Lighting devices which may produce objectionable glare onto neighboring properties and/or roadways shall be regulated as follows:
 - a) In any district, any operation or activity producing intense glare shall be so conducted that direct and/or indirect illumination from the source of light shall not cause illumination in excess of one-half (1/2) of one (1) foot-candle above background when measured at any residential district boundary line. Flickering or intense sources of light shall be controlled so as not to cause nuisance across any lot lines or roadways.

- h. The Applicant should acknowledge the following requirement of Zoning Ordinance 20-1804 C.
 - 1) All outside lighting, including lighting for signs, shall be directed in such a way as to not create a nuisance to any adjacent property and/or roadway. (See Figures 28 and 29, Appendix B.) All illumination devices and fixtures shall be equipped with a glare shielding device approved by the Township Engineer. Side effects of industrial activities shall be controlled as follows:
 - a) Sky-reflected glare: Operations creating glare shall be conducted in an enclosed structure without facing nearby residence.
 - b) Dust: Shall be gathered and bagged within the structure housing the process producing the dust and in accordance with the Environmental Protection Agency (E.P.A.) and the Pennsylvania Department of Environmental Protection (D.E.P.) standards, and all stored items producing dust shall be stored in an enclosed yard or regularly sprayed with water to eliminate dust problems. This shall include covering of trucks and spraying materials and trucks prior to transport to eliminate the possibility of the material causing dust in transport and/or dropping of the material from the truck to the road.
 - c) Outside Storage: Stored materials shall comply with all applicable D.E.P. regulations and shall not be placed to allow seepage of liquids or toxic substances into the ground. Liquid storage vessels shall be surrounded by a

dike enclosing sufficient volume to contain the vessel or vessels if ruptured, and including seepage runoff from coal, culm, ashes, or any substance which could seep into the ground water supply or adjacent streams or rivers; nor shall it be deposited in such a form or manner that they may be transferred off such premises by natural causes or forces, such as by wind or flood.

- d) Waste disposal: Organic wastes shall be stored in covered containers and disposed of in accordance with Pennsylvania D.E.P. regulations and the Pennsylvania Hazardous Waste Act of 1980.
- i. A 10' x 35' long loading space must be shown on the drawing (Zoning 20- 2002.A). Note that Township streets adjacent to the site shall not be used for loading or maneuvering. (20-2002.A.3)
- j. Once the plans are finalized, the Applicant must provide to the Township for approval a Cost Estimate for Township-required improvements that should include parking lot pavement, buffers, stormwater management, and site revegetation. Upon approval, Performance Security (bond or other Solicitor-approved financial instrument) in an amount of 10% of estimated construction costs must be posted to the Township to guarantee completion of required improvements.
- k. The land development shall connect to a public water supply. The Applicant should provide a letter of service from Pennsylvania American Water Company. The Applicant shall also verify that a fire hydrant is within 800' of the proposed building on the site or he shall make arrangements for installing a fire hydrant within this distance. (SALDO 14-604A)
- l. Public Sewers are shown available within the parcel being developed. The Applicant must provide a letter of service and letter of design approval from the Butler Area Sewer Authority. Completion of Sewage Facilities Planning Modules or a request for exemption may be applicable.(SALDO 14-604.B)
- m. Stormwater Management concepts are shown on the submitted plans. The Applicant must prepare Erosion and Sediment Control meeting requirements of the PaDEP and he must submit a Post Construction Stormwater Management Plan for approval as part of this Land Development Application. The Center Township Act 167 Stormwater Management Ordinance Chapter 21 must be followed in the design.
- n. At the last Planning Commission, the Applicant requested guidance as follows:
- 1) Is screening required at the rear of the property line for bordering R-3 zone?

Answer: Yes – See (above) as well as SALDO section 14-905-c for screening which describes shrubs and trees required to meet a screen type A.
 - 2) Is screening required between properties zoned C-1?

Answer: No- in this case.
 - 3) May the stormwater holding facility be located in the setback area?

Answer: Yes
 - 4) Stormwater is to be released to the retention pond owned by Sunbury Fields. Will an easement and agreement be required?

Answer: Stormwater has been a problem for this property owner over the years. The Township Stormwater Management Ordinance only requires in Chapter 21:

- a) If diffused flow is proposed to be concentrated and discharged onto adjacent property, the Applicant must document that adequate downstream conveyance facilities exist to safely transport the concentrated discharge, or otherwise prove that no erosion, sedimentation, flooding, or other harm will result from the concentrated discharge.
 - I. Applicant must provide an easement for proposed concentrated flow across adjacent properties to a drainage way or public right-of-way.
 - II. Such stormwater flows shall be subject to the requirements of this chapter.

The Applicant has shown a proposed "level spreader" in the rear of the lot which follows PaDEP guidelines for converting concentrated flow to a sheet flow condition. If this system works, then a drainage easement or agreement with the neighbor is not required by Township Ordinances. (Chapter 21)

However, the Applicant should take whatever actions he deems necessary to protect his interests. The applicant shall take note of Stormwater Management Ordinance Section 21-109 and 21-110 as follows:

§21-109. Duty of Persons Engaged in the Development of Land

Notwithstanding any provision(s) of this Chapter, including exemptions, any landowner or any person engaged in the alteration of development of land which may affect stormwater runoff characteristics shall implement such measures as are reasonably necessary to prevent injury to health, safety, or other property. Such measures also shall include actions as are required to manage the rate, volume, direction, and quality of resulting stormwater runoff in a manner which otherwise adequately protects health, property, and water quality.

§21-110. Municipal Liability Disclaimer

- A. Neither the granting or any approval under this Chapter, nor the compliance with the provisions of this Chapter, or with any condition imposed by a municipal official hereunder, shall relieve any person from any responsibility for damage to persons or property resulting there from, or as otherwise imposed by law nor impose any liability upon the Municipality for damages to persons or property.
- B. The granting of a permit which includes any stormwater management facilities shall not constitute a representation, guarantee or warranty of any kind by the Municipality, or by an official or employee thereof, of the practicability or safety of any structure, use or other plan proposed, and shall create no liability upon or cause of action against such public body, official or employee for any damage that may result pursuant thereto.

Legalities of stormwater discharge should be directed to the Applicant's private attorney. The Township Solicitor may give direction on Township-related legalities.

- C. If property owner wants to construct a larger building, may he show a larger foot print of the building for approval but only construct the original 5000 square foot building and add on in the future?

Answer: If the site is constructed to accommodate a larger building, (including stormwater management controls), the initial 5000 square foot building can be denoted Phase I and the addition labeled Phase 2 and it can be constructed within 5 years of plan approval by merely applying for a separate building permit.

- o. The Applicant is reminded that he must separately apply for a building permit and a driveway permit from the Township.
- p. The Applicant must provide land development review comments from the Butler County Planning Commission.

Sloan motioned, contingent on items c,j,k,l and m per Township Engineer Olsen's review letter and receipt of Butler County Planning Commission's review letter. McCollough seconded. Motion carried.

3. Clark Minor Subdivision No. 2017-08-13, Final, Expires 11/20/2017: Ms. Cheryl Hughes presented. Mr. Donald Clark proposes conveying 1.50 acres (m/l) to Center Township Map 060-2F61-24B from Center Township Map 060-2F61-24. Butler County Planning Commission had no comments per review letter dated August 9, 2017. Township Engineer Olsen's comments are as follows (*Ms. Hughes comments are italicized*):
 - a. This Application is stated to be for the purpose of creating Parcel A which is to be removed from existing Lot 2 of the estate of Jean M. Clark and added to adjoining lands of Donald R. and Marsha V. Clark. Since the parcels involved are shown to have separate, distinct ownerships, Parcel A must have a complete boundary description in order for it to be conveyed from the Estate of Jean M. Clark by deed. (SALDO Article IV section 14-403.G.1 .b) We had contacted the Butler County Records Office on a similar matter several weeks ago and were told that the County needs a deed of conveyance and a deed that describes the enlarged parcel after conveyance. We suggest that the Applicant retain a private attorney to have these deeds prepared. (*Parcel A does have a complete description shown on it. We have enlarged the bearing and distance between the parcels for clarification. Applicant has an attorney for deed transfers.*)
 - b. The submission meets the definition of a Minor Subdivision which may be granted final approval without first receiving preliminary approval. (SALDO section 14-403.G) (*No comment*)
 - c. The Applicant should add a north arrow to the location map since it varies from the enlarged drawing. (*North arrow was added to location map*)
 - d. As required by SALDO section 14-403.G.b., the following additional items should be shown on the plan: (*Two catch basins and outfall pipe along S.R. 0308 were added. No evidence of any other utilities*)
 - 1) Any existing rights-of-way and easements
 - 2) Adjacent underground utility lines
 - 3) Natural drainage ways
 - 4) Existing natural gas or oil wells
 - e. We suggest that the identifying tax map parcel number be shown on the existing lands of Donald R. & Marsha V. Clark. (*Tax ID number was added.*)
 - f. The enlargement of the existing parcel owned by Donald R. & Marsha V. Clark will result in a lot with one principal structure and four (4) accessory use structures. Only two (2) accessory use structures are permitted. Any request for a third or more accessory structure shall be submitted to the Planning Commission for review and approval. This request should be submitted in writing to the Planning Commission and a decision should be made by separate motion of the Planning Commission and recorded in the minutes of the public meeting. (Zoning Ordinance Chapter 20, section 20- 503.E) (*Accessory structures are existing. Modification*)

letter is attached.)

Cavaliero motioned granting modification to permit the four (4) existing accessory structures to remain on the property as defined in the Zoning Ordinance, Chapter 20, Section 20-503-E. Sloan seconded. Motion carried.

Sloan motioned recommending granting final approval of the Clark Minor Subdivision No. 2017-08-13. Sloan seconded. Motion carried.

OLD BUSINESS:

1. Proposed Bucolic Hall Ordinance: The Planning Commission reviewed the proposed ordinance with Mr. and Mrs. Kaltenbach. There was a discussion on creating a new definition such as, Banquet Hall, Rural Hall, Event Hall or Event Venue. The following revisions were recommended:

Bucolic Hall

- a) Hall site shall be considered non- residential and is subject to Land Development requirements.
- b) Access shall be from local roads only. Access from private lane is prohibited.
- e) No ~~other~~ [more than five (5) facilities] ~~bucolic hall~~ will be permitted ~~within a five (5) mile radius.~~
- d) The minimum site area required for a single hall shall be five (5) acres.
- e) The hall must set at least ~~two hundred (200)~~ [one hundred fifty (150)] feet from any property line.
- f) No structure shall be permitted within two hundred (200) feet of the hall.

EXCEPTION: One (1) accessory structure to be used for the storage of maintenance equipment. This building shall be under one thousand (1,000) square feet in roof footprint with a maximum peak height of fifteen (15) feet. This building must be at least ten (10) feet from the hall and fifty (50) feet from any property line.

EXCEPTION: One (1) existing single family dwelling inhabited full time by the hall operator. ~~The dwelling must have been in existence at least twenty (20) years prior the halls conception.~~ The dwelling must be at least fifty (50) feet from the hall and fifty (50) feet from any property line. The housing of occupants other than the hall operator and the operator's immediate family, for any period of time, is prohibited.

EXCEPTION: ~~fence~~ [vegetative buffer] as regulated by Article XVIII of this Chapter.

EXCEPTION: sign as permitted by Article XXI of this Chapter.

- ~~g) Animals are not permitted within two hundred (200) feet of the hall at any time.~~
- h) Parking areas and associated drives shall be set back a minimum of thirty (30) feet from any property line and shall be screened from adjacent residential properties, as per Article XX of this Chapter.

- i) Parking areas shall be paved or concrete [dust/mud free] surface [except handicapped areas must be a paved or concrete surface].
- ~~j) Any existing impervious surface shall have its stormwater regulated as if it were a newly installed impervious surface.~~
- ~~k) Exterior lighting shall be required. Such lighting shall be oriented away from and shall not produce glare on adjacent residential properties. Lighting shall be controlled by an automatic timer which is set to de-energize the lighting between the hours of 11:00 p.m. and noon.~~
- l) The selling ~~or serving~~ of any food or drink containing alcohol shall be prohibited.
- m) Outdoor speakers shall be prohibited [after 9:00 p.m.]
- n) Exterior signs shall comply with Article XXI of this Chapter.
- o) Any activity using and/or involving nudity, partial nudity, sexually oriented materials, sexually oriented entertainment, and/or sexually oriented services shall be prohibited.
- ~~p) Events open to the general public without individual invitation are prohibited~~
- ~~q) All activities must occur inside the hall.~~
- r) No products of any kind may be sold on or at the site.
- ~~s) Users of the hall may only serve food prepared by outside caterers. No food may be prepared at the site.~~
- t) Hall shall obtain an annual permit in compliance with Chapter 7 of the Center Township Codification of Ordinances.
- ~~u) Hall shall be located at least five hundred (500) feet from the nearest facility with assembly capabilities in excess of fifty (50) persons.~~
- v) No hall shall allow occupancy by more than ~~two hundred (200) persons~~ [square footage limitation of the building] at any given time. Lesser occupancy limitations may be required by the Pennsylvania Uniform Construction Code.
- w) The following shall be conspicuously posted at all entryways to the hall ~~in minimum four (4) inch high lettering~~. Posting shall be illuminated at all times while hall is occupied;
 - 1) Maximum permitted occupancy
 - 2) Hours of operation
 - 3) All customers and vehicles must be off site by 11:30 p. m.
 - 4) Penalties for non compliance
 - 5) 24 hour phone number of hall operator
- ~~x) The hall shall maintain a security camera system capable of recording and retrieving video images. Cameras must be activated and recording video images of the entrance and exit doors. Recorded images must be stored a minimum of thirty (30) days. Each hall shall prominently display signage on the premises to notify patrons of the presence and use of security cameras. Signage shall be illuminated at all times while hall is occupied.~~

- y) Solid waste management shall comply with Chapter 16 of the Center Township Codification of Ordinances.

NEW BUSINESS:

1. Ford Truck Ordinance: Sloan recommended not creating an ordinance but add a Food Truck annual permit fee of \$100/150 per year.

MISCELLANEOUS:

1. Township News August 2017: Sloan suggests the Board of Supervisors look at the article on page 19 discussing ways to increase revenue.
2. Sheetz/Clearview Mall Signal: The signal should be re-signalized by the end of August.

ADJOURNMENT:

Cavaliero motioned adjourning the Regular Meeting at 8:50 p.m. McCollough seconded. Motion carried.

ANTHONY A. AMENDOLEA
Township Secretary/Treasurer