APPROVED 11/18/2015

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



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

PLANNING COMMISSION

Regular Meeting Minutes October 28, 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 6:34 p.m. The meeting was held at the Unionville Volunteer Fire Company Firehall, 102 Mahood Road, Butler PA 16001.

ROLL CALL:

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

APPROVAL OF AGENDA:

Schaefer motioned approving the agenda for the October 28, 2015 meeting, as presented. McCollough seconded. Motion carried.

PUBLIC TO BE HEARD: None

MINUTES:

Schiebel motioned approving the minutes of the Regular Meeting held on Wednesday, August 26, 2015. Ashbaugh seconded. Motion carried.

SUBDIVISION & LAND DEVELOPMENTS:

- 1. EM/Neave Lot Line Revision No. 2015-10-17, Final, Expires 01/22/2016: Ms. Nancy Neave presented. Mr. Mansfield proposes conveying .25 acres (m/l) from Center Township Map 060-2F61-32C to Center Township Map 060-2F61-32 to ensure existing septic system is on the property owned by Mr. and Mrs. Thomas F. Tuite. Butler County Planning Commission has not submitted a review letter. Township Engineer Olsen had the following comments:
 - a. The purpose of the plan is to make an adjustment in the property lines between the two involved lots so that an existing sand mound currently serving Nancy Neave will be within the property boundary of this lot.
 - b. The existing house of Neave should be denoted as "non-conforming structure."

- c. The two owners of the properties are reminded that deeds must be prepared for Lot IA, Lot 2A and Lot 2B, and these parcels must be conveyed to respective parties.
- d. The drawing should contain a note that states that Lots IA, 2A and 2B will be combined with and become part of Lot 1 and Lot 2.

Schiebel motioned recommending, contingent on (1) existing house be denoted as "non-conforming structure" and (2) receipt of Butler County Planning Commission's review letter, granting final approval of the EM/Neave Lot Line Revision No. 2015-10-17. Ashbaugh seconded. Motion carried.

- 2. J T Butler Land Development No. 2015-01-03, Modification: Mr. John Hile presented. J T Butler submitted a modification to the original land development, approved by the Board of Supervisors at their meeting held on Wednesday, April 8, 2015, to accommodate the stormwater runoff required by the Butler County Conservation District. Township Engineer Olsen comments are:
 - a. Revise the "Rite Aid Plan of Subdivision," dated October, 2015, to better show that lot lines of former Tax Map Parcel 60-S2-CAB are being deleted and record the subdivision drawing. The approved drawing must show the new lot consolidation, proposed easements, and include the traffic signal maintenance easement being dedicated to Center Township.
 - b. Send the Township a copy of the approved NPDES Permit received from the Pennsylvania Dept. of Environmental Protection (PaDEP) *I* Butler County Conservation District (BCCD).
 - c. Both JT Butler and Rite Aid must separately sign (with notary) an Operations and Maintenance Stormwater management Agreement (previously provided) and record these at the Butler County Courthouse along with exhibits consisting of 11" x 17" size copies of Post Construction Stormwater Management Drawings.
 - d. A copy of the private storm sewer easement through lands of Phillip B. Mennor and Donna L. Mennor should be provided to the Township by JT Butler (Chapter 14, Section 14-403.f).
 - e. JT Butler must submit a geotechnical report certifying that the proposed 1 vertical to 1 horizontal slope will be stable.
 - f. JT Butler must prepare a revised Estimate of Construction Costs for Township- required improvements including post construction stormwater management (channels, detention basin, storm sewers, inlets, restoration of Mennor driveway, earthwork, revegetation, as-built drawings), the l:l slope retaining wall, clearing and grubbing. The estimate should include the cost of replacing storm sewers under Elise Drive as currently indicated on drawings.
 - Note: JT Butler should not include estimate costs of Erosion & Sediment Control (E&S) items in its cost estimate. These are under the authority of the Butler County Conservation District rather than the Township.
 - g. We had previously requested that JT Butler LLC provide a cost estimate for the traffic signal replacement, which we are uncertain if this must be revised. This cost estimate should include the new UPS system that Jarrod Crosby of David E. Wooster & Associates (Wooster) acknowledged by email.
 - h. Once cost estimates are submitted and approved by our office, JT Butler, LLC must provide Performance Security (such as bond, letter of credit, sequestered account, pass book) in an amount equal to 110% of estimated costs in a form approved by the Township Solicitor for all Township-required improvements (but exclusive of E&S controls and the traffic signal construction).

- i. JT Butler, LLC must provide documentation to the Township that it has posted a financial guarantee to PennDot for the Route 8 traffic signal replacement. We confirmed with PennDot and with Wooster that a letter of credit will be posted by JT Butler directly to PennDot in the amount of 115% of estimated construction cost. PennDot will also require a financial guarantee of maintenance of materials and workmanship for at least two years.
- j. JT Butler LLC should provide one copy of the Temporary Highway Occupancy Permit to the Township once it is approved by PennDot. The Board has already authorized its Chairman to sign this HOP drawing as required by PennDot. JT Butler LLC should deliver this original drawing to the Township for signatures, unless this has already been done.
- k. Project drawings indicate that JT Butler LLC will be replacing the off-site storm sewers system along and across Elise Drive. It will be assumed that the Developer will supply and install all materials unless this is further negotiated by the parties.
- 1. Unless other arrangements have been made, it is our understanding that the pending NPDES Permit will authorize all JT Butler LLC land disturbance activities on the site and that Rite Aid and Sheetz will file for a revision or modification to the permit for their own storm sewer work necessary to convey water to the detention basin. The PCSM plan that has been submitted by JT Butler as part of the NPDES application 1) controls water runoff volume, 2) peak rate of discharge, and 3) water quality from the finished Rite Aid and Sheetz sites. It may be that Rite Aid is using the same site work contractor as JT Butler LLC, and work will be done concurrently, it could be very easy for Rite Aid to finalize E&S drawings for its own proposed earth disturbance activities and filing these drawings concurrently or as part of the JT Butler LLC NPDES application. Rite Aid could become a co-permittee and the contractor would also sign as a co-permittee. JT Butler LLC and Rite Aid may wish to discuss these concepts with the BCCD. It is our understanding that the BCCD has scheduled a pre-application meeting that will be attended by both of these parties.
- m. It is our understanding that the HOP for the new traffic signal is being submitted in the name of Center Township. The Township will adopt the traffic signal O&M easement within the Sheetz and Rite Aid site if the easement has been dedicated to the Township as part of the revised JT Butler LLC subdivision *I* lot consolidation plan. The Township will continue to pay for electric service to the intersection as it is currently. We suggest that JT Butler authorize the Township to retain its normal traffic signal maintenance company for any emergency services necessary on the new traffic signal with the provision that JT Butler will reimburse the Township for any faulty materials or workmanship. This provision can be part of a Developer's Agreement.
- n. We suggest that the Township request the Solicitor to prepare a Developer's Agreement to formalize any of these issues that he deems important so that there is no misunderstanding of responsibilities JT Butler and the Township.
- o. Rite Aid and Sheetz have granted review time extensions to the Township. We suggest that their approvals follow that of JT Butler.

Scheibel motioned recommending, contingent on the completion of the abovementioned Township Engineer Olsen's letter dated October 26, 2015, granting final approval of the JT Butler Land Development No. 2015-01-03. McCollough seconded. Motion carried.

3. Sheetz Land Development No. 2015-06-13, Final, Expires 12/22/2015: Mr. David Mastrosfefano presented. Sheetz submitted a request for a ninety (90) day extension since J. T. Butler has not received a NPDES permit from the Butler County Conservation District which was approved by the Board of Supervisors at their meeting held on Wednesday, September 9, 2015. Schiebel motioned recommending, contingent on Township Engineer Olsen's comments in the J T

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Butler Land Development No. 2015-01-03, granting final approval to the Sheetz Land Development No. 2015-06-13. Cavaliero seconded. Motion carried.

4. Rite Aid Land Development No. 2015-06-14, Final, Expires 12/18/2015: Rite Aid submitted a request for a ninety (90) day extension since J. T. Butler has not received a NPDES permit from the Butler County Conservation District which was approved by the Board of Supervisors at their meeting held on Wednesday, October 7, 2015. Schiebel motioned recommending, contingent on (1) Township Engineer Olsen's comments in the J T Butler Land Development No. 2015-01-03 and (2) receipt of a geotechnical engineer report approving the dumpster site design, granting final approval to the Rite Aid Land Development No. 2015-06-14. Cavaliero seconded. Motion carried.

OLD BUSINESS: None

NEW BUSINESS: None

MISCELLANEOUS:

- 1. Lions Road Bridge: Township Engineer Olsen talked to Mr. Dave Layman, PennDot, concerning the expansion of the State Route 422 interchange. Mr. Layman would like to meet with the Planning Commission and/or Board of Supervisors at a later date.
- 2. Duffy Highlands: Township Engineer Olsen met with Mr. Robert Brenan, Jessie Hines, Butler Township and Trans Associates to discuss the possibility of using Cambridge Healthcare's traffic study. Trans Associates will prepare a new traffic study for Duffy highlands.

ADJOURNMENT:

Cavaliero motioned adjourning the Regular Meeting at 7:32 p.m. Schaefer seconded. Motion carried.

ANTHONY A. AMENDOLEA Township Secretary/Treasurer